11321
SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

FRIDAY, MAY 20, 2005

8:30 A.M.

(PAGES 11321 THROUGH 11492)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 11321

APPEARANCES OF COUNSEL:

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
NIMMER, Laurence	11324-SN	11332-SA	11335-SN	
(Contd.)				
GERAGOS, Mark				
(Re-called)	11348-Z	(Contd.)		

Santa Maria, California
Friday, May 20, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: Where's the witness?
You may be seated. You're still under oath.
THE WITNESS: Okay.
THE COURT: Go ahead.
MR. SNEDDON: Thank you, Your Honor.
THE WITNESS: Good morning, Mr. Sneddon.

LAURENCE NIMMER
Having been previously sworn, resumed the
stand and testified further as follows:

CROSS-EXAMINATION (Continued)
BY MR. SNEDDON:
Q. Good morning, Mr. Nimmer. How are you this
morning?
A. Good, thank you.
Q. I just have a few more questions.
A. Okay, sure.
Q. I want to go back to what we talked about
yesterday just to try to get a point of
clarification. 11324

Between yesterday and this morning, did you get a chance to review the video again?
A. No, I didn't.
Q. Okay. Do you recall yesterday we were talking about how, in Scene 2, the chimes went off and was very faint at one point and then louder at another point and -- in the scene?
A. Yes.
Q. And do you recall me asking you yesterday -- I think -- I believe -- and if I'm not saying this correctly, you correct me. I believe your explanation was you thought one was when they went out the door and the other was when they came back in?
A. I think -- yes, that was my guess.
Q. And then I asked you yesterday, in the Scene 1, when the maid goes out the door, whether the chimes went off or not. Do you recall that?
A. I believe so.
Q. And you said you believed the chimes did go off?
A. That's correct.
Q. When this video was made, was Joe Marcus present?
A. Yes, he was.
Q. Was a defense investigator by the name of Scott Ross present?
A. No.

Q. Or Mr. Castillo?
A. No.
Q. So the representative there was Mr. Marcus?
A. And one other person from Neverland Ranch was a woman whose first name was Grace.
Q. Okay. And where was Mr. Marcus during the time that you were doing the filming?
A. Standing behind me.
Q. So he was in your presence the entire time?
A. Correct.
Q. Okay. Now, one of the other questions I'm going to ask you and then I'm going to show you the video again, just a part of it.
A. Sure.
Q. In the first scene, when you're downstairs and you ask the maid, Maria Gomez, to walk out, and then you hear the chimes go off, okay?
A. Yes.
Q. When you're standing there, where are you standing? Next to the throne chair?
A. No, I'm standing kind of right in the middle of the room, more or less. Probably 10 or 15 feet from the doorway into the center of the room.
And when you say "the throne chair," do you mean the large chair that leads into the next room where the stairway is to the upstairs bedroom?
Q. Yes, sir.
A. Yeah. So it wasn't that far away from me. 11326

The room is not that large, but I was about in the center of the room.
Q. Okay. And when you filmed the Scene 1 material, Scene 1, could you tell where the sound was coming from? From your right or from your left?
A. I couldn't say.
MR. SNEDDON: Okay. I want to -- if we could have -- I think it's already on the right one, Your Honor.
THE COURT: All right.
MR. SNEDDON: If we could just have the lights for just a second. And we're going to play Exhibit 5096 and just the Scene 1.
THE COURT: Go ahead.
(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)
MR. SNEDDON: Okay. Let's stop it right there.
Q. Now, would it be a fair statement to say that that chime did not go off when she went out the door, did it?
A. Possibly it was triggered from her going out the door and didn't ring immediately. But frankly, I don't know one way or the other if it was triggered by her going out or coming in.
Q. Do you know where the sensor is that's closest to the door?
A. No, I don't. 11327

MR. SANGER: Objection; asked and answered.
THE COURT: Overruled. It's answered. Next question.
Q. BY MR. SNEDDON: In the segment on Scene 2 where there is a faint sound and then a louder sound - okay? - there is probably a five- or ten-second delay between the two sounds, correct?
A. Correct.
Q. And that's what led you to believe that the first sound was when she exited the door and the second sound was when she came back in, correct?
A. That's correct.
Q. And that did not occur on Scene 1, did it?
A. Well, you didn't let it continue playing. Is there another set of rings after that one?
Q. I don't think so. But we can play it. Go ahead.
THE COURT: Do you want to play it again?
MR. SNEDDON: Yes, sir.
MR. AUCHINCLOSS: Let's start over.
MR. SNEDDON: Yeah, let's go back again.
THE WITNESS: You may need to hit "stop" twice to reset it to the top.
(Whereupon, a portion of a DVD, Defendant's Exhibit 5096, was played for the Court and jury.)
THE WITNESS: That's the second set.
Q. BY MR. SNEDDON: Okay. Right. And they 11328

were almost back to back, were they not?
A. Correct. And on this take, I asked her to go out and come back in, which she did. When I was upstairs, I asked her to wait about ten seconds after she went out before she came back in, so -- so that it was more clear when she's coming in and when she's going out.
Q. All right. So your explanation is that in Scene 1, you didn't give her the instruction -- a similar instruction to the one you gave her in Scene 2 and Scene 3?
A. That's correct.
Q. All right. The individual you identified as Grace, where was Grace during the filming?
A. Standing behind me as well.
Q. All right. Let's move on to the second video.
A. Okay. Sure.
Q. I just have a few questions on that. I believe you said you went out there on multiple occasions?
A. That's correct.
Q. About four or five?
A. Correct.
Q. And on those occasions that you went out there, the folks knew you were coming. I'm assuming you made previous arrangements?
A. Right. 11329

Q. And prior to going out there, you told us
before that you had been advised by somebody to make
sure you take pictures of the clocks, correct?
A. Correct.
Q. Was that somebody connected with the
defense?
A. Yes.
Q. Were there any other things that they told
you that you should focus on in that film?
A. Well, let's see. Basically all of what I
saw while I was out there. I was asked to get shots
of the guesthouse, the guest rooms. I was asked to
get some shots of the -- some of the paintings by
the artist Nordahl, and -- as well as various other
places, including the arcade, the amusement park,
the zoo, et cetera.
Q. Okay. Now, when I was looking at the film,
it appeared to me - and you would be the best person
who would know this - that some of the library shots
about the books on the shelves were taken in a small
library located on the top floor of the arcade; is
that correct?
A. That's correct.
Q. Okay. Now, part of this video was to
show -- the objective view of it was to show a day
in the life of somebody who may be visiting the
ranch, correct?
A. Correct. 11330

Q. Did you have an understanding that that was a room up there that was open to the public?
A. I didn't really know one way or the other. Anything that's personal of Mr. Jackson's I think would be of interest to the public, so it was interesting to see what his books -- a cross-section of his books are.
Q. But you didn't know when you went up there whether or not that room is actually locked most of the time or not?
A. I don't know one way or the other.
Q. And whether the public was invited to use that room?
A. I don't know one way or the other.
Q. Now, just a couple of more questions. Let me ask you this: Were you asked to film the employee break room?
A. Not that I recall.
Q. Were you asked to film the cellar?
A. No.
Q. Were you asked to film Mr. Jackson's office?
A. Yes, I was, actually.
Q. Did you do that?
A. No.
Q. Were you asked to film the bathroom area in -- the bathroom that's adjacent to the arcade?
A. No.
Q. Were you asked to film -- I guess I asked 11331

you that. And you did film the kitchen, correct?
A. Correct.
Q. Were you asked to film the location of the refrigerator in the kitchen?
A. No.
Q. And you say that you were attempting to portray this as an objective view of what somebody would see at the ranch. But in reality, some of the decisions that were made were subjective on your part, correct?
A. Correct.
MR. SANGER: Objection; argumentative.
THE COURT: Overruled.
MR. SNEDDON: Nothing further, Your Honor.
THE COURT: Mr. Sanger?

REDIRECT EXAMINATION
BY MR. SANGER:
Q. All right. Mr. Nimmer, first of all, why were Grace and Joe Marcus there?
A. Frankly, I'm not sure why. Perhaps so that they could make sure I didn't tamper with anything in the room. They led me to where the different rooms are. They know their way around better than I do.
Q. So when you make arrangements -- when you made arrangements to go to the ranch, did somebody accompany you so you could go in the different 11332

1 locations?
2 A. Yes, at most all times somebody always
3 accompanied me.
4 Q. Did anybody prevent you from taking pictures
5 of anything in particular?
6 A. No.
7 Q. All right. Now, with regard to the last
8 questions about the tape of Neverland itself, you
9 were asked about filming certain areas like the
10 cellar and the break room and all that. Were there
11 other interior areas of buildings on that ranch that
12 you did not film?
13 A. Yes.
14 Q. And was this an effort to film every part of
15 every building on that ranch?
16 A. No.
17 Q. If you were to do that, even in the
18 abbreviated format you have here, how long would
19 your video end up being?
20 A. Well, possibly hours. Much longer.
21 Q. Okay. Let's talk about the doorbell test.
22 Were you asked to do any technical evaluation of the
23 alarm system?
24 A. No.
25 Q. Is that within your particular expertise?
26 A. That isn't my expertise.
27 Q. Do you have reason to believe that there are
28 other people who have such expertise? 11333

A. Yes, I do.
Q. All right. Secondly, with regard to the decibel level that was asked about last time, did you have any decibel level, any known decibel level, to compare decibel levels to had you determined the decibel level? Do you know what I'm saying?
A. I did not.
Q. So if you -- if you do a decibel level test, you generally need to have something else, some other known level to compare it to, right?
A. Correct.
Q. All right. Were you asked to do decibel levels at all?
A. No, I was not.
Q. What were you asked to do with regard to the doorbell test?
A. To do a video- and audio-recording in those two environments to get a general sound of what it sounded like with the alarm going off.
Q. And were you asked also to listen to it while you were doing it?
A. Yes.
Q. And did you compare what you heard to what was seen on the tape?
A. Yes, I did.
Q. What was heard on the tape, more accurately.
A. Correct. What was heard.
MR. SANGER: Okay. Thank you very much. 11334

THE WITNESS: Thank you.

RECROSS-EXAMINATION

BY MR. SNEDDON:

Q. Mr. Nimmer, you were trying to produce something that would be useful to the jury in reproducing the sound created by those chimes, correct?

A. Correct.

Q. And to that extent, wouldn't the first thing that you would want to do is to ask Mr. Marcus or Grace whether or not the sound system that was in there was the same -- the chime system that was in there was the same one that was in there back at the time of these events?

A. I did ask them if the room was set as close as possible to how it was back in 2003, and they said it was.

Q. Okay. But you didn't ask them about the actual chime system itself, did you?

A. I didn't ask about anything specifically.

Q. And you were talking about -- I think you told us yesterday you were talking about the furniture, were you not?

A. I was talking about everything in general.

Q. In specific with regard to the chime system, which was why you were really there, you never asked them that question, did you? 11335

MR. SANGER: Objection. Argumentative;
compound.
THE COURT: Asked and answered. Sustained.
Q. BY MR. SNEDDON: With regard to the
integrity of the product that the jury has just
seen, you would agree with me, would you not, if
there was differences with the way the actual chime
system was hooked up, or the equipment that was
there, if it was different from February or March of
1990 -- of 2003, that it would not be an accurate
reproduction of what you displayed to the jury,
would it?
MR. SANGER: Objection. Asked and answered;
beyond the scope. Sorry. Asked and answered and
beyond the scope of redirect.
THE COURT: It's argumentative. Sustained.
Q. BY MR. SNEDDON: Had you asked the specific
question of whether the system that you reproduced
on this video was the same as the one that was
there, let's say, on November 18th of 2003, then we
would know for certain that what you reproduced was
the same, correct?
MR. SANGER: Argumentative -- I thought the
question was over, I apologize.
MR. SNEDDON: It was.
MR. SANGER: Okay. I object. Argumentative.
THE COURT: Sustained.
MR. SNEDDON: I have no further questions. 11336

MR. SANGER: No further questions, Your Honor.
THE COURT: All right. Thank you. You may step down.
THE WITNESS: Thank you, Your Honor.
THE COURT: (To the jury) All right. We only have one other witness, and before we can have him come in, I have to make some rulings. So I'm going to ask you to step out, and we'll do this as quickly as we can.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: You may be seated.
Do you want the witness in for this?
MR. SANGER: Yes.
THE COURT: Come forward to the witness stand. You may be seated.
MR. GERAGOS: Thank you.
THE COURT: You're still under oath.
MR. GERAGOS: Thank you.

MARK GERAGOS
Having been previously sworn, resumed the stand and testified further as follows:
/// 11337

THE COURT: All right. I've received the points and authorities that I requested. Thank you, everybody. And reviewed them.

I've also received a revised or amended waiver of attorney-client privilege/work product that changes the written date -- or the date of the written waiver to commence in November as opposed to December, which the original one stated, so I accept the new date for purposes of our discussions. I don't think it's an issue that I'm going to -- I accept that there was just a mistake on the dates, so that's not an issue.

I have a sense of what I want to do, but before I do that, Mr. Sneddon, does your side wish to add anything or make any further arguments?

MR. ZONEN: Your Honor, I think the -- the defense would be the moving party, I believe, to the extent that they're asking that the Court observe a conditional waiver at this point. Perhaps I'll respond to what they have to say rather than give a statement at this time.

THE COURT: All right. Is there anything that you wish to add? Are you speaking?

MR. SANGER: Yes, I am, with the Court's permission. Even though this is Mr. Mesereau's witness, I started arguing the motions, and I'll finish, if that's all right with the Court in this one instance. 11338

There's nothing else that we didn't say, but there is at least a sentence or two in here that might bear a little amplification. As I think is pretty clear, our position should be that there is a limited waiver; that that satisfies all the requirements of this proceeding.

And the sentence, I think, needs a little amplification. The sentence or two, is that if the door were opened -- since we talked about opening doors. If the door were opened and there was a general waiver, it would lead to irrelevant material. It would lead to material that's not going to come into this case anyway. But it would also be quite a disaster, I think, from the standpoint of the attorney-client privilege for Mr. Jackson, beyond the point of the adversarial proceedings starting, which would include communications that Mr. Geragos had with co-counsel and investigators and even counsel, perhaps, after he was no longer involved in the -- or he's no longer attorney of record in the case.

And based on that, I think -- that alone, I think, is the kind of prejudice that would be -- the Court would want to avoid. And so I'd ask the Court to just consider that in the context of the rest of what we filed, including the need for a knowing and intelligent waiver on the part of the defendant himself and the relevance issues. 11339

Thank you.
MR. ZONEN: Your Honor, here's our concern:
When we began direct examination of Mr. Geragos, we were under the understanding, given the waiver that was executed in open court in the defendant's presence by Mr. Mesereau, that this was an unconditional, unqualified waiver as to all aspects of the attorney-client relationship.
All of cross -- all of direct examination was concluded, and cross-examination commenced until we discovered that, after a break, there had been a qualified waiver executed in writing. There were three attorneys in the room who knew that that happened. Mr. Geragos knew it because he had been furnished a copy of it. Mr. Mesereau knew it because the signature on it by Miss Yu indicated that he had reviewed the document for content and approved it. And Miss Yu knew it because she drafted the document.
None of the three attorneys, when they came into court, either furnished the Court a copy of that waiver or furnished the prosecution a copy of that waiver. And none of those three lawyers told either the Court or the prosecution that the waiver had changed, unilaterally had changed from an unconditional, unqualified waiver to a very conditional, qualified waiver that would end at the time of the defendant's arrest. 11340

Now, we went through all of direct examination and a good portion of cross-examination with an understanding, at least from our standpoint, and I believe from the Court's standpoint, that it was an unqualified, unconditional waiver, and that that's how we were going to conduct cross-examination. As the Court pointed out, you can't give and then take away at the same time without telling us. And I believe the fact that we weren't told, either the Court or the prosecution -- during the course of that break, neither one of us were furnished copies of the waiver and instructed that the terms and conditions of the waiver had taken place. And I believe that we should proceed with cross-examination as if it were an unconditional, unqualified waiver, and proceed with appropriate objections for relevancy and appropriate objections for any other evidentiary issues, but that the waiver should be unqualified.

MR. SANGER: Just a factual issue, Your Honor. I don't want to reargue what we've already argued in writing. But on a factual issue, I believe that Miss Yu did give the clerk -- give your clerk a copy of the waiver before the break -- during the break at the same time it was given to Mr. Geragos, and I believe that a copy was given to the District Attorney at the same time.

MR. ZONEN: No, it wasn't. 11341

MS. YU: Yes, it was. Yes, it was.
THE COURT: Wait, wait, wait. That's okay.
MR. SANGER: I'm reporting -- I did personally see Miss Yu go up to Miss Frey, your clerk, to give a copy. So I --
THE COURT: It's really insignificant, you know, whether you revealed this at the break or ten minutes after the break. I mean, the fact is that there was a complete change in what the purported waiver was.
MR. SANGER: There --
THE COURT: You can sit down. That's okay.
MR. SANGER: All right. Thank you, Your Honor.
THE COURT: I did review the entire testimony of Mr. Geragos last night before considering my rulings in this matter, and there are two issues that we're dealing with. One is questions beyond the scope of the direct examination and the other is the scope of the attorney-client privilege waiver. And we do have Mr. Geragos's assertion that I assume hasn't changed.
But you will claim the privilege based on the waiver; is that -- regardless of my ruling?
THE WITNESS: Regardless of your ruling, I'm going to claim the privilege. I've been furnished, as I think -- I don't know if it was furnished to the Court. I think you said it was. 11342

THE COURT: It was, yeah.
THE WITNESS: The other. And regardless of the ruling, I'm still going --
THE COURT: You will make --
THE WITNESS: I will stand on that.
THE COURT: -- make that claim?
THE WITNESS: Yes.
THE COURT: That was my understanding from what you said last week, but I think I should -- thank you for affirming that.
That puts us in a difficult situation. You know, there's things that I could do, and that would be to strike his testimony. In looking at the examination, I'm not sure who that would punish in the end. I mean, there was some direct examination, there was more lengthy cross-examination. Nobody's moved that I strike his testimony, and if you do, the jury has heard it.
We can -- we strike things all the time, but we all know you can't -- you know, we don't really know what the effect of trying to unring a bell is. You give people instructions not to consider things, but hope that they're capable of doing that. But it doesn't appear to be a really good remedy at this time, although I could consider it.
I feel deceived by Mr. Mesereau, and I am considering -- although I've reached no conclusion at this point, and I don't want to divert the 11343

process of the trial with this type of thing, but I'm considering sanctions of some sort against Mr. Mesereau. Again, that doesn't really help or hurt in the factual presentation.
So at this point I think what I'm going to do is to recognize, according to the law, that there is a qualified privilege and accept the waiver as it stands only up until November 2003. But I am going to -- and then I'm going to allow the prosecution to continue their examination and I'm going to require that any claim of privilege between attorney-client be made in front of the jury so that the jury understands what is actually happening in the courtroom.
You know, we've had several other situations. Some, I've said, privileges had to be claimed in front of the jury. Some I've said they are not to be claimed in front of the jury. And it's a factual situation. You know, you get to that conclusion based on all of the surrounding facts. And in this case, I think it would be productive for the jury to know that the privilege is being claimed.
Mr. Geragos before, which is really the proper thing, kind of what I wanted him to do, was not -- you just said, "I can't answer that," which clued me in it was a claim of privilege, but nobody else really. 11344

So that will change now. You'll have to say, "I'm claiming the attorney-client privilege and cannot answer that question."
THE WITNESS: I did not assert that before because I didn't have the Court's ruling or guidance.
THE COURT: I'm saying that you did the right -- you did it the way I wanted you to then, but now we're changing the rules.
THE WITNESS: That's fine.
THE COURT: Okay. So that's my ruling on the issue.
And you can bring the jury back in.
MR. SANGER: Before you do that, just one further point of clarification, if I could.
THE COURT: Yes.
MR. SANGER: I know this is Mr. Mesereau's witness, but this will be my last remark with regard to the motion.
THE COURT: I think it's --
MR. SANGER: Would the Court still entertain objections that it's beyond the scope and relevance with regard --
THE COURT: Yes. I said there's two issues.
MR. SANGER: Yes, sir.
THE COURT: I haven't abrogated the rule that you called this witness for a specific purpose. And in reviewing the rulings that I made last week, 11345

which it's a luxury, you know, to be able to go back and review, I think I was making the correct rulings because of his assertion.

So where you thought that the District Attorney was exceeding the scope and I ruled that he was not, I still feel that way. You know, he's made some assertions about what he knew at the time that he was advising, and that area I had allowed them to open up, so I would continue to allow that area to be opened up. But there's -- of course, there's the -- I don't want to say too much, but that, I think, addresses something that should have been addressed.

MR. SANGER: I appreciate that. Thank you, Your Honor.

THE COURT: Do you have any questions, Mr. Zonen?

MR. ZONEN: Your Honor, we -- we did, in fact, request of the Court that the Court consider the option of striking the testimony of this witness in its entirety. I'm not going to renew that at this time. But I'd like to see what happens in terms of cross-examination at this point vis-a-vis his assertion of that privilege. And I wouldn't bring that up in front of the jury.

THE COURT: A better way for me to have said what I was trying to say was that I won't grant a motion to strike at this time, but I would 11346

reconsider one at some other time if --
MR. ZONEN: And that's what I was asking.
THE COURT: -- if it's made.
And I'm not inviting it. I'm just saying at this time, when I weighed the testimony that had been given, I didn't think that was the way to go.
MR. ZONEN: That's fine.
THE COURT: All right. Let me --
MR. SANGER: Oh, before -- a different matter, just real quick, Your Honor.
THE COURT: Yeah.
MR. SANGER: You still have the Amen testimony issue.
THE COURT: Yes.
MR. SANGER: Amen. Joining in the bailiff's spirit of coming together here.
THE COURT: They can't hear you.
MR. SANGER: Okay. We're hoping to have a ruling on that in time that we could -- if we're able to call him, we would be able to get that in motion, so --
THE COURT: I'm prepared to make a ruling on that. My suggestion is we have the jury in, we finish this, and then we deal with that when we can let them go, instead of taking more time now.
MR. SANGER: Perfect. Thank you.
THE COURT: I'm just going to step off the bench so that you can bring the jury in. I'll be 11347

right there, ready to come right back. Okay.
(The following proceedings were held in
open court in the presence and hearing of the
jury:)

THE COURT: You may proceed.
MR. ZONEN: Thank you, Your Honor.

CROSS-EXAMINATION (Continued)
BY MR. ZONEN:
Q. Mr. Geragos, good morning.
A. Good morning, Mr. Zonen.
Q. Mr. Geragos, you were aware in advance of
the meeting with the Department of Social Services,
Child & Family Services, that there was going to be
a meeting involving Janet Arvizo; is that correct?
A. Yes.
Q. Who was it who notified you or advised you
of that fact?
A. Probably would have been Brad.
Q. Did you know at the time that there was
going to be somebody working for Brad Miller who
would be attending that meeting?
A. I don't think so.
Q. Did you instruct Brad Miller to be there?
A. No. No.
Q. Did you have a conversation with Brad Miller
before that meeting? 11348

A. I think that would have been the conversation where he told me about the meeting.
Q. All right. Did you express concern to Brad Miller about comments that Janet Arvizo might make to the workers, social workers?
A. I don't think so. I don't think I expressed concern about comments she might make. I think I -- as I testified to last week, I think the question was she wants somebody -- or wants to talk to a lawyer or something, something to that effect, and that's when I gave Mr. Nasatir's name.
Q. All right. Now, you did not know at the time that there was going to be a representative of Mr. Miller who would be there?
A. Like I say, as I sit here today, I don't think that I knew that either he or Asaf were going to be there. I don't know when I learned that.
Q. And Mr. Miller never consulted with you in advance about the propriety of tape-recording that conversation?
A. I had no idea up until the time that the search warrant was issued or executed that there was any kind of a tape that was done.
Q. Were you aware as of that day of Brad Miller ever having tape-recorded illegally conversations prior to that time?
A. Well, I don't know that that was -- if you're suggesting that that was an illegal taping, I 11349

don't believe that was an illegal taping. And the previous taping that I was aware of, he told her, Janet Arvizo, that he was working for me, that he had a tape-recorder, and that he was taping it, and something to the effect, if memory serves, that was that okay?
Q. Mr. Geragos, do you believe that it's legal to surreptitiously tape a Department of Child & Family Services interview?
A. I don't believe that you can surreptitiously tape their interview, no. I don't think that that would be legal.
Q. Is it your opinion, as an attorney specializing in criminal law, that the interviews with the Department of Child & Family Services are confidential?
A. Yes.
Q. And therefore, somebody tape-recording it for purposes of being able to listen to that conversation, that would be in violation of the confidentiality laws; is that true?
A. I don't know if it would be in violation of the confidentiality laws. I think it would probably be a violation of a Penal Code section.
Q. In any event, it would be illegal?
A. I -- in my opinion, it probably would be.
Q. You are not aware of Mr. Miller ever having done that in the past; is that correct? 11350

A. Well, I'm aware --
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I'm aware of many private
investigators, and I would probably say Brad
included, who understand that the Penal Code has
exceptions. And one of the exceptions is if you
believe that there are certain enumerated crimes
that are going to be committed, you are allowed to,
under the code section, tape surreptitiously.
So I don't know. Your definition of whether
or not it's illegal or not and mine probably differ,
but I think that the Penal Code clearly states that
there are exceptions when you can tape.
Q. BY MR. ZONEN: Did you believe that there
was going to be a crime committed at the Department
of Child & Family Services interview with Janet
Arvizo?
A. As I told you, I don't know what was going
to happen there. But I think what you're asking me
is in reference to the other tape that was made.
Q. No, sir, I'm asking --
A. Which was with Mr. --
Q. -- about the Department of Child & Family
Services interview. Did you believe there was going
to be a crime committed during that interview?
A. No, I didn't believe that a crime was going 11351

to be committed because I don't think that I had a discussion as to what was going to take place, other than to say, "Look, I can't represent her. Talk to Nasatir."
Q. And you did not tell Brad Miller that you thought there would be some kind of crime committed during the course of the Department of Child & Family Services interview?
A. Well, if she would lie to them, that would be potentially a crime, I suppose. But I don't know if I had --
Q. And did you tell Brad Miller that?
A. I don't know that I had that discussion with Brad. In retrospect, who knows what she was going to say.
Q. And Brad Miller did not tell you that he planned on tape-recording that interview?
A. Did not.
Q. And if he had, you would have told him not to?
A. Well, if he had told --
MR. MESEREAU: Objection; calls for speculation.
THE COURT: Sustained.
Q. BY MR. ZONEN: When did you first get possession of that tape?
MR. MESEREAU: Objection.
THE WITNESS: After the -- well -- 11352

MR. MESEREAU: Relevance; beyond the scope.
THE COURT: Overruled.
THE WITNESS: And I'd have to -- Your Honor,
as the Court instructed, I'd have to assert
attorney-client privilege at this point.
THE COURT: You refuse to answer based on
the attorney-client privilege?
THE WITNESS: Could I?
THE COURT: Is that right?
THE WITNESS: Yes.
THE COURT: Next question.
Q. BY MR. ZONEN: From whom did you first learn
that that conversation had, in fact, been
tape-recorded?
A. I believe, as I sit here today, the only
conversation that was tape-recorded was something
between Asaf and Janet Arvizo. I don't -- I don't
know -- as I sit here today, I haven't listened to
that tape in quite a while. I don't know how
lengthy that tape was. I thought it was just
between Janet and Asaf.
Q. From whom did you first learn that there had
been a tape-recording that took place at Jay
Jackson's apartment while the Department of Child &
Family Services workers were there?
MR. MESEREAU: Objection. Beyond the scope;
relevance; assumes facts.
THE COURT: Overruled. 11353

You may answer. Do you want the question read back?
THE WITNESS: No, I remember the question. I'm just trying to -- I couldn't tell you if I learned it from -- it was either from Brad or when I got copies of the documents that were seized, when I had asked Mr. Sneddon for that. So I might have gotten the items from Mr. Sneddon. And he had represented to me that he had not listened to them yet, so --
Q. BY MR. ZONEN: And Brad Miller, did he brief you on the content of the interview with -- the Department of Child & Family Services interview?
A. At what point?
Q. After it occurred.
MR. MESEREAU: Objection. Beyond the scope; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: When was the first time you had a conversation with Brad Miller following the Department of Child & Family Services interview?
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: Overruled.
THE WITNESS: I couldn't tell you as I sit here. I'm sure it was sometime shortly thereafter, but I just don't know.
Q. BY MR. ZONEN: Did you ask him about how he 11354

knew about the content of that interview?
A. I'm sure he would have -- well, I would just be speculating.
Q. Did he tell you that he had somebody there at the time?
A. No. It was -- I can't -- if you're asking me for, in February, what I knew then, I would only be speculating. I think what he told me was that he had Asaf there because Janet wanted somebody there, and then Asaf left, is I think what I was told in February.
Q. All right. Between the time that -- of this interview with the Department of Child & Family Services and the time your client was arrested in November, did Brad Miller ever tell you that that conversation was tape-recorded?
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you receive a copy of the tape-recording at any time between the interview on the 20th of February, '03, and the time that your client was arrested in November?
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: Sustained.
MR. ZONEN: I'm sorry?
THE COURT: Sustained. I think the relevant 11355

period is through April. That's why I'm sustaining the objections.
MR. ZONEN: Okay.
Q. If I were to ask those questions again through the end of April, would your answer be different? Let me change that question.
Between the time of the interview on the 20th of February through the end of April, did you receive a copy of the tape of that interview?
A. I don't know. I couldn't tell you.
Q. You might have?
A. I don't think so. But I couldn't tell you.
I don't think that I did. I don't think that I was aware of that or the other tape until after the search warrant, but I'd just be guessing.
Q. Now, you commenced surveillance of the Arvizo family; is that right?
A. Not me personally, but I asked Brad to find out who they were meeting with, what they were doing. So if he surveilled in response to that, that would be what I would have expected.
Q. You didn't personally want to sit in a car in East L.A. and watch them?
MR. MESEREAU: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you have a conversation with Mr. Miller as to who was going to participate in the surveillance? 11356

A. No.
Q. Did you give Mr. Miller any direction as to what they were supposed to do?
A. I think the same thing I testified to before: “Find out where they are, who they’re meeting with, and what they’re doing.”
Q. Did you tell them to surveil the children?
A. Well, I assumed that the children would be in the company of adults, and that one of the adults would be Janet Arvizo.
Q. Did you --
A. That would be the assumption.
Q. Did you tell them to conduct surveillance of the children when they’re not in the presence of the adults?
A. I don’t think we had that discussion, no.
Q. Did you tell Brad Miller to have people conducting surveillance of the children while they were coming and going from their junior high school?
A. No, I didn’t give him specific instructions as to what to do. I think I just gave a broad directive that said, “I want to know who they’re meeting with, what they’re doing.”
Q. Did you tell Brad Miller that the surveillance operatives should be obvious so that the children know they’re being followed and taped?
MR. MESEREAU: Objection. Argumentative; assumes facts. 11357

THE COURT: Overruled.
You may answer.
THE WITNESS: No. As I indicated before, I told -- I gave the same directive. I didn't tell him, "This is what I want you to do on this day. This is what I want you to do on that day." I said, "I just want to know who they're meeting with and what they're doing."
Q. BY MR. ZONEN: Did you get a report from Brad Miller as to the scope and extent of the surveillance that he conducted?
MR. MESEREAU: Objection. Relevance; beyond the scope; and vague as to time.
MR. ZONEN: There were questions about surveillance by the defense.
THE COURT: That's true. Vague as to time is sustained.
Q. BY MR. ZONEN: Well, the period of time that the surveillance was conducted was what, 60 days?
A. No, I think it was less than that. I think it was about 30 or 35 days, something like that.
Q. And it commenced when?
A. Sometime after February 7th.
Q. Sometime after February 7th?
A. Yeah.
Q. Were they actually being --
A. Yes.
Q. -- surveilled while they were at Neverland? 11358

A. I don't know that they -- I don't think Brad was ever at Neverland, if I had -- if I had to -- if that's what you're asking me.
Q. Well, if you've directed Brad Miller to conduct a surveillance of the Arvizo family as early as the 7th of February, then you would have been informed as to exactly when they were at Neverland; no?
MR. MESEREAU: Objection. Argumentative; assumes facts.
THE COURT: Overruled.
You may answer.
THE WITNESS: Mr. Zonen, what I directed him to do was find out who they were meeting with, what they were doing, and then give me a report back. And he would have given me a report back saying, "They're either here or they're there. We either found this out; we didn't find this out." I did not ask him to tell me exactly who he was using. I didn't get into that. It didn't occur to me at that point.
Q. BY MR. ZONEN: Did Brad Miller tell you that the children were meeting with Michael Jackson during that period of time?
MR. MESEREAU: Objection. Hearsay; relevance; beyond the scope.
THE COURT: Overruled.
MR. ZONEN: That was overruled. 11359

THE WITNESS: That means I can answer?
Q. BY MR. ZONEN: I think it does, yes.
A. Thank you.
I don't believe so. I didn't have the
impression, at least, that when he was finding out
what they were up to, that that included any time
that they may or may not have been at Neverland.
Q. Did you have an opportunity to review the
surveillance tapes?
A. Not prior to November.
Q. You directed a surveillance be done as early
as the 7th of February?
A. I directed that they find out who they were
meeting with and what they were doing.
Q. All right.
A. I know you keep saying "surveillance." I
didn't tell them to go sit in a car outside. I
didn't give them directives as to how to do it. All
I said is, "Find out who they're meeting with and
what they're up to."
As I explained last week when you asked me
this, the concern was, is that they were either
going to go meet with a lawyer of some kind to make
some accusation, or they were going to sell the
story to the tabloids.
I -- the extent of what he did I learned
sometime later, but did not know at the time. And
what I knew at the time was that they were either 11360

here or there at particular points.
Q. Do you know where those surveillance tapes are today?
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: Overruled.
THE WITNESS: I assume in Steve -- the sheriff's possession.
Q. BY MR. ZONEN: Are you saying that all the surveillance tapes were kept at Brad Miller's office?
A. I -- the surveillance tapes, as you call them, all I'm aware of in terms of surveillance tapes were the things that were seized during the search warrant.
Q. You never asked Mr. Miller if, in fact, there were additional tapes other than the ones seized during the course of the search of his office?
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: I would have to assert the attorney-client privilege, because I think built into the question is asking me what my discussion --
THE COURT: All you have to say is you refuse to answer because you're claiming the 11361

1 privilege, that's all.
2 Next question.
3 Q. BY MR. ZONEN: Up until the time of your
4 client's arrest, did you ever view any surveillance
5 tapes?
6 MR. MESEREAU: Objection. Relevance; beyond
7 the scope.
8 MR. ZONEN: I'm trying to establish if the
9 ones in evidence are accurate.
10 THE COURT: The objection is overruled.
11 You may answer.
12 THE WITNESS: No, I don't believe that I did.
13 Q. BY MR. ZONEN: All right. Were you ever
14 briefed as to the content of those surveillances?
15 MR. MESEREAU: Objection. Vague as to time;
16 relevance; beyond the scope.
17 THE COURT: Sustained as to time.
18 Q. BY MR. ZONEN: Were you ever briefed before
19 the conclusion of the month of April 2003 as to the
20 content of the surveillance tapes?
21 A. I think I was, yes.
22 Q. All right. Did they tell you that they --
23 who was it who briefed you?
24 A. It would have been Brad.
25 Q. Did Brad tell you that they conducted a
26 surveillance of Janet Arvizo's parents at their home
27 in El Monte?
28 A. I think that he did. 11362

Q. Did you direct that they do a surveillance of her parents?
A. No. As I explained before, I told him, "Find out who they're meeting with and what they're doing." I didn't -- I didn't --
MR. MESEREAU: Objection. Objection. He cut off the witness.
THE COURT: Sustained.
MR. MESEREAU: Could the witness please answer, Your Honor?
THE COURT: If you haven't completed your answer, you may do so.
THE WITNESS: Thank you.
I said I didn't specify the exact locations or what they should do.
MR. ZONEN: Just one second, Your Honor.
Q. Are you aware of any other surveillance tapes other than the ones that we seized from Brad Miller's office?
A. No.
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. ZONEN: Are you aware if the Brad Miller tapes seized from Brad Miller's office have been altered in any way by Brad Miller? 11363

MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: No.
Q. BY MR. ZONEN: Were are you aware of whether or not there's additional footage to those tapes that have been excised or deleted from the tapes?
MR. MESEREAU: Same objection.
THE COURT: Overruled.
THE WITNESS: No.
Q. BY MR. ZONEN: Now, at some point in time you became aware of the fact that there was a tape-recording of the telephone call between Janet Arvizo and Frank Cascio; is that correct?
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: I can't answer that because of attorney-client privilege.
Q. BY MR. ZONEN: Did you ever listen to the tape-recording of the conversation between Janet Arvizo and Frank Cascio?
MR. MESEREAU: Objection. Relevance; vague as to time; beyond the scope.
THE COURT: Vague as to time.
Q. BY MR. ZONEN: Did you ever listen to that 11364

conversation up until the time that your client was arrested?
A. No.
Q. Did you know that it existed, that tape-recording?
A. Up until the time of the arrest?
Q. Yes.
A. No.
Q. Did you have a conversation with Brad Miller about conducting or monitoring conversations between Janet Arvizo and any of the other employees or people who work for Michael Jackson?
A. No.
MR. MESEREAU: Objection. Relevance; vague as to time; beyond the scope.
THE COURT: Vague as to time.
Q. BY MR. ZONEN: That last question that I asked, if I were to say up until the time of your client's arrest, what would your answer be?
MR. MESEREAU: Same objection.
THE COURT: Counsel, I'm going to tell you again. The area that I think is relevant on some of these questions is the time period that he testified to on direct where he was doing certain things. And your questions are relevant -- you know, it's not the cutoff date that's relevant. So I'm just trying to give you some guidance.
MR. ZONEN: Thank you. Perhaps that 11365

question could be modified, then, through the end of April.
Q. Do you remember the question?
A. I do. And the answer is no.
Q. Pursuant to the surveillance investigation that you had directed Mr. Miller to conduct, were you kept advised as to the movement of Janet Arvizo between Neverland and her home or Major Jackson's home?
MR. MESEREAU: Objection. Vague as to time; relevance.
Q. BY MR. ZONEN: During the period of time of the surveillance, which is roughly 30 days from the 7th.
A. When you say kept apprised, I'm sure that I would have had conversations with Brad, and he would have told me in general terms what was happening.
Q. Did Brad Miller then tell you the number of times that Janet Arvizo left Neverland and then returned?
A. You know, as I sit here, I don't remember him telling me. I know your focus on the question is Neverland and returning, and I don't think that was really the focus of what he was doing. As I indicated before --
MR. ZONEN: Your Honor, I'll object as nonresponsive.
THE COURT: Sustained. 11366

THE WITNESS: I do not believe that he was -- if he did, I wasn't paying attention to it. I was concerned with other things.
Q. BY MR. ZONEN: Did he tell you that Janet Arvizo left Neverland on the 12th of February at about one o'clock in the morning?
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
Q. BY MR. ZONEN: At the time, concurrent with those events. In other words, within a few days of the 12th, did he tell you that?
THE COURT: All right. He's changed the -- I'll accept that change.
THE WITNESS: Probably did.
Q. BY MR. ZONEN: Did he tell you within a few days of the event, in other words, contemporaneous of the event, that the family returned to Neverland within a few days thereafter?
A. As I sit here, I don't remember. I do have a memory of being told that she had left, but I don't know about her returning.
Q. All right. Would you have been concerned about the prospect of the Arvizo family returning to Neverland --
MR. MESEREAU: Objection; calls for speculation.
Q. BY MR. ZONEN: -- as not being in your client's best interest? 11367

MR. MESEREAU: Objection; calls for speculation.
THE COURT: Just a moment. I don't want you to add to your question after there's an objection. It's okay on that timing, but it causes me difficulty when you're --
MR. ZONEN: I actually intended that to be one question.
THE COURT: All right. Why don't you just rephrase the question.
MR. ZONEN: Give me a moment.
Q. All right. Did you have concerns about the Arvizo family returning to Neverland after they left on the 12th?
A. I had concerns about the Arvizo family.
Q. But particularly in the context of them being in the presence of Michael Jackson?
A. Yes. I always had concerns about the Arvizo family from early February, meaning sometime after the 7th or the 9th, something like that.
Q. Did your concerns include a concern that Gavin Arvizo would end up back in Michael Jackson's room?
A. Well, when you say back in his room, no, that wasn't my concern. My concern was that there was going to be some kind of an accusation made; that there was going to be some kind of a false story concocted. That was my concern. 11368

Q. Did you at any time contact Michael Jackson after the 12th, after the 12th --
MR. MESEREAU: Objection; vague as to time.
MR. ZONEN: It's in the midst of the question. I'm just putting the time parameters on it.
MR. MESEREAU: My apology. I withdraw the objection.
Q. BY MR. ZONEN: After the 12th of February, at any time after the 12th of February, within the next week or so, did you have a conversation with Michael Jackson about not allowing the Arvizos back on the property?
A. No, I don't think that I had a conversation about anything to do with them coming back and forth to the property. I wanted to know what they were up to. I didn't -- I don't think I had a conversation as to them coming onto the property.
Q. All right. Mr. Geragos, you knew that there was going to be an interview that would take place in the late evening hours of the 19th into the early morning hours of the 20th that was going to be part of "Take 2"; in other words, a filming of the Arvizo family that was designed or intended to be a part of this commercial production; is that right?
A. I knew that they were filming what they called -- it wasn't -- as I remember it, they kept referring to it as the rebuttal. 11369

Q. Were you aware that there was a substantial amount of money that had been paid to Michael Jackson by FOX Studios in advance of the filming of that production, an advance towards that production?
MR. MESEREAU: Objection. Assumes facts not in evidence; no foundation; beyond the scope.
MR. ZONEN: Your Honor, it is in evidence, and the exhibit specifically is 898.
THE COURT: The objection is sustained.
Q. BY MR. ZONEN: Were you paid out of an account that was funded by FOX Studios?
A. Not that I'm aware of.
Q. Did you know from what source came your income?
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: Sustained.
MR. ZONEN: Could I be heard, Your Honor?
THE COURT: Yes.
MR. ZONEN: Could we do it at sidebar?
THE COURT: All right.
(Discussion held off the record at sidebar.)
Q. BY MR. ZONEN: Based on your briefing with either Brad Miller or any employee of Brad Miller, did you learn that Janet Arvizo had been entirely complimentary of the defendant during the course of the interview that was tape-recorded in person at Major Jackson's home on the 16th? 11370

MR. MESEREAU: Objection; hearsay.
THE COURT: Overruled.
THE WITNESS: Yes.
Q. BY MR. ZONEN: She had nothing bad to say about Michael Jackson at all?
A. That was my understanding.
Q. Based on your briefing with Brad Miller about the content of her interview with the Department of Child & Family Services, is it your understanding that Janet Arvizo had nothing bad to say about Michael Jackson in that interview as well?
A. Yes.
Q. Okay. Did you understand that she was going into that interview concerned that her children would be removed from her custody?
A. I don't know that I knew that prior, but that would not surprise me. I mean, it's a Department of Children's Services interview. I think anybody would be concerned.
Q. Would it be your expectation that the more complimentary she was of Michael Jackson the greater the likelihood that they would not take her children?
MR. MESEREAU: Objection. Foundation; calls for speculation; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't know that that was the 11371

thought process. I believe I was told that she had previously had close encounters with the DCFS and that was her concern.
Q. BY MR. ZONEN: Did you direct Brad Miller to work with anybody from Michael Jackson -- anyone among Michael Jackson's employees in terms of conducting his investigation?
A. I don't know that I directed him to talk to anybody in particular. I told him to go -- I told him to contact people and investigate, do what an investigator does.
Q. Do you know who paid the balance of Janet Arvizo's rent at her Soto Street apartment?
A. I think at the time -- are you talking about in April of 2003, roughly that time period?
Q. Try March.
A. In March -- I think I knew in April that Brad had paid it.
Q. All right. Did Brad Miller have money to be able to pay that?
A. Probably not.
Q. All right. So do you know how he paid that?
A. I would have told him to get reimbursed from the accountant.
Q. Did you advance any money?
A. I did not.
Q. Did you advance any money toward emptying out the apartment? 11372

A. I did not.
Q. Did you tell Brad Miller that he should go ahead and pay off the balance of the rent on that apartment?
A. I don't know that I told him. I know that he told me he was going to do it. I don't know that I told him to do it. I mean, I know that he told me he was going to do it or he had done it. I just don't remember the context of the conversation.
Q. Did you ask Brad Miller where the Arvizo family would be moving once that apartment was moved out?
A. He had told me that they were moving in with her boyfriend.
Q. Did you tell Brad Miller, "This is not a problem for Michael Jackson to be paying for cleaning her out of her apartment"?
A. What do you mean, "cleaning her out of her apartment"?
Q. Moving them from the apartment and putting their things in storage. "This is something that Michael Jackson ought not be involved in." Did you tell him that?
A. He was talking to Janet. Janet wanted that done. Janet was trying, according to him at least, to get these things done. And I told him if he was going to do that, that he better videotape the contents so that there later is not an accusation 11373

that something was tampered with.
Q. Why did you tell Brad Miller that he should move Janet Arvizo out of her apartment on Soto Street?
A. Did I? I didn't say I told him that.
Q. Why did you approve it? He works for you, right?
A. He works for me.
He said that she wanted that done. He was going to assist her. He was trying to be on her good side, I guess is -- for lack of a better term.
Q. Did you know at the time that she was moved out of that apartment where her possessions went?
A. I don't think at the time, no. I've learned later on.
Q. All right. Now, did you instruct Brad Miller that he should place them in a locker someplace under his name?
A. No, I don't think that I did.
Q. Do you know under whose name her possessions were, in fact, deposited?
A. I learned that later, yes, that it was under his name.
Q. All right. Now, did you -- as soon as you learned that, did you immediately instruct him to change that?
A. Well, no. When I learned that was when I got those letters from Mr. Dickerman. And he and I 11374

1 went back and forth as to where he wanted the stuff.
2 And I think at one point I told him that he could
3 take over the lockers. I offered to have him switch
4 it to whatever name he wanted, and I think we went
5 back and forth on that.
6 MR. ZONEN: May I approach the witness?
7 THE COURT: Yes.
8 Q. BY MR. ZONEN: Mr. Geragos, I'm going to
9 show you exhibit number -- Exhibit No. 630. I'd
10 like you to take a moment and strum through those
11 collection of documents in that exhibit, if you
12 would.
13 A. I've strummed through it.
14 Q. Strumming through documents is something
15 lawyers do well, right?
16 A. I don't know if we do it well. We do it a
17 lot.
18 Q. Mr. Geragos, do you recognize those
19 documents as being a compilation of letters sent to
20 you by Mr. Dickerman and a few letters sent by you
21 back to Mr. Dickerman in response?
22 A. No, I do not.
23 Q. You don't recognize any of those letters at
24 all?
25 A. I think you have probably given me the wrong
26 exhibit.
27 (Laughter.)
28 You haven't been strumming documents enough. 11375

This is the --
MR. ZONEN: It's the wrong exhibit.
(Laughter.)
MR. ZONEN: Could we have 629?
MR. SNEDDON: My fault. Not his.
MR. ZONEN: You could have told us at the
early stages of the strumming.
THE WITNESS: I couldn't figure out why you
were having me look at it.
You were close. It was the right lawyer.
Just the wrong series of correspondence.
THE COURT: Maybe we ought to just start our
break early, huh? Okay.
(Recess taken.)
MR. SANGER: Your Honor, may we approach,
please?
THE COURT: All right. Yes.
MR. SANGER: Thank you.
(Discussion held off the record at sidebar.)
MR. ZONEN: Your Honor, could we approach
the bench again?
(Discussion held off the record at sidebar.)
THE COURT: (To the jury) Do you want in on
any of this?
No, you don't. Oh, I'm sorry, this is just
a complicated area. I'm trying to make it work.
In my other courtroom where -- you know,
this is not my normal courtroom. I'm really across 11376

the hall there. And when attorneys approach, the jury sits right there, sort of like if Mr. Geragos is sort of like me and you're the jury. And when the attorneys want a sidebar, I make them come over and kneel there, so -- so we have a lot less sidebars over in that court.

(Laughter.)

MR. ZONEN: I'm prepared to proceed.

THE COURT: Yes.

Q. BY MR. ZONEN: Mr. Geragos, I think you now have Exhibit 625. That was the exhibit we intended to hand you before the break.

Did you have an opportunity to look at 625?

A. Yes.

Q. Is 625 a compilation of letters and communications between you and Attorney Bill Dickerman?

A. Well, there's -- some of these letters are mine. I don't believe -- for instance, this top letter, which doesn't have a letterhead and which is not signed, I don't believe that's the letter that was sent to me.

Q. You don't believe you've ever received that letter?

A. I don't believe that this is the letter he sent to me. And I don't believe that this letter -- it has no letterhead and no signature on it. I don't think he sent that to me either. 11377

Q. All right. Now, I'm not asking you if he sent you an unsigned --
A. No.
Q. -- unletterheaded letter.
A. Right. I'm telling you I don't believe that this is the letter that he sent me, April 11th. And I'm almost positive that the March 26th letter that's on here is not the letter he sent me.
Q. All right. You've never seen that letter before?
A. I have never seen --
Q. Let me clarify my question.
A. Right.
Q. Not that -- hold on.
MR. MESEREAU: Objection. He's cutting off the witness.
MR. ZONEN: Let me --
THE COURT: All right. Ask another question.
Q. BY MR. ZONEN: Let me clarify my question. The front letter on there that's dated in March -- what is that, March 24th?
A. March 26th.
Q. March 26th. All right. The content of that letter you're not familiar with?
A. Well, let me just tell you what -- why I don't -- there's several things that --
Q. Mr. Geragos, are you familiar with the 11378

content of that letter?
MR. MESEREAU: Objection; cutting off the witness.
MR. ZONEN: Well, I'm going to object to nonresponsive answers.
THE WITNESS: I hadn't answered.
THE COURT: The question is, are you familiar with the content of the letter?
THE WITNESS: I don't know how to answer that. I don't --
THE COURT: All right. Ask another question.
Q. BY MR. ZONEN: All right. Did you receive a communication from Mr. Dickerman at any time during the latter part of March of 2003 where he asked for Janet Arvizo's passport and the passports of her children?
A. I received and responded to -- and my response is here, and this is my letter where I respond to his April 3rd letter where he wanted things retrieved from storage is what my memory is. So this letter that I sent on April 6th is in response to some earlier letter, and I reference an April 3rd letter.
Q. Did you receive a letter at any time in the month of March from Mr. Dickerman asking specifically that passports belonging to the Arvizo family be returned to him?
A. Well, I see where he's -- as I sit here, I 11379

don't remember a letter in March. I remember a
letter that I responded to in April.
Q. All right. And that letter that you're
responding to, did that, in part, inquire about the
existence of passports belonging to the Arvizo
family?
A. No. His April 3rd letter says, "I wrote you
and asked you to locate certain items." And that's
what I did. I think I testified to Mr. Mesereau, I
faxed that letter to Brad and told him, "Let's deal
with it."
Q. Mr. Geragos, at any time during the month of
March of 2003, did you have a conversation with Mr.
Dickerman wherein Mr. Dickerman asked you to return
his clients' passports?
A. I don't believe that I had a conversation
with Mr. Dickerman in March.
Q. At any time in the early part of April, say
up till April 15th, did you have a conversation with
Mr. Dickerman wherein the subject of the Arvizos'
passports was raised?
A. No, I believe the conversation we had was in
reference to the contents of the storage unit.
Q. Did you have any conversation with Mr.
Dickerman about passports at any time in the month
of April?
A. He might have mentioned it.
Q. He might have mentioned it? 11380

A. He might have mentioned it --
MR. MESEREAU: Objection.
THE WITNESS: -- in April, but I'd just be guessing.
MR. MESEREAU: Cutting off the witness.
THE COURT: Next question.
Q. BY MR. ZONEN: Do you have a recollection of any specific conversation at any time from the 24th of March through the end of April where the subject matter of that conversation was passports belonging to the Arvizos?
A. As I sit here, my memory is contents of the storage unit is what we kept talking about, he and I.
Q. Did you ask anybody in your office to locate passports belonging to the Arvizos at any time in April?
A. Absolutely not.
Q. At any time in May, did you ask anybody in your office to locate passports?
A. No.
Q. Did you have any conversation with Mr. Dickerman about passports at any time in April or May of 2003?
A. I just don't remember. I remember -- all I remember about the conversations was the contents of the storage units.
Q. Did you know from Brad Miller that the 11381

Arvizo family was going to go to Brazil?
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: In what time period?
Q. BY MR. ZONEN: In 2003.
A. I don't believe that I did.
MR. MESEREAU: Objection; vague as to time.
THE COURT: Sustained.
Q. BY MR. ZONEN: At the time you began communications with Attorney Dickerman, did you know that the Arvizo family had intended to take a trip to Brazil, a trip that would have been sponsored by the -- Michael Jackson?
MR. MESEREAU: Objection. Foundation; assumes facts not in evidence; vague.
THE COURT: Compound question. Sustained.
Q. BY MR. ZONEN: Did you know at any time during the month of March or April of 2003 that the Arvizo family was going to go to Brazil?
A. I just don't remember. I can't tell you.
Q. You have no recollection whatsoever of the subject of a Brazil vacation for the Arvizo family coming up?
A. Well, with anybody?
Q. Yes. Anybody.
MR. MESEREAU: Objection; vague as to time. 11382

THE COURT: Sustained.
Q. BY MR. ZONEN: During the month of March or April, did you have a conversation with anybody wherein the subject matter of that conversation was whether or not the Arvizo family would be going to Brazil?
A. I would just be guessing. I can't answer that as I sit here. If you want me to guess, I would say that the one person who would have -- if I had had that discussion, it might have been Dickerman or it might have been Brad.
Q. Were you aware at any time during March or April of 2003 that employees of Michael Jackson were assisting the Arvizos in getting visas, birth certificates and passports?
A. I think I -- I think I became aware of that. I just don't know if it was from Brad or from -- Dickerman made the accusation. I just don't remember at the time. And what I subsequently learned is other material.
Q. During the period of time that you instructed your employee, Brad Miller, to learn about who the Arvizos were associating with and talking to, did you learn that they were being escorted to places like federal buildings to get visas and passports?
A. I don't believe he ever told me that he followed them to a visa application office or a 11383

passport office or the federal building.
Q. Did Brad Miller ever tell you that he was aware of that there had been an application to get visas from the Brazilian embassy on behalf of the Arvizos?
MR. MESEREAU: Objection. Vague as to time; relevance; and beyond the scope.
MR. ZONEN: During the month of March and April.
THE WITNESS: I don't think so.
THE COURT: Just a minute.
THE WITNESS: Sorry.
THE COURT: Overruled. The objection is overruled. The answer is in.
Q. BY MR. ZONEN: At any time between the time you became involved with Mr. Jackson on the 7th of February until the end of April of 2003, did anybody tell you that the Jackson -- that Jackson's employees were assisting the Arvizos in getting visas to go to Brazil?
MR. MESEREAU: Objection. Hearsay; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I think I -- it would be the same answer I gave you before. If it happened, it would have been either Dickerman or Brad.
Q. BY MR. ZONEN: Did you associate the request 11384

by Mr. Dickerman for passports belonging to the Arvizos, did you associate that with a trip to Brazil?
MR. MESEREAU: Objection; vague as to time.
THE COURT: Sustained.
Q. BY MR. ZONEN: During the time you were receiving communications from Mr. Dickerman.
MR. MESEREAU: Still vague as to time.
THE COURT: Overruled.
THE WITNESS: No.
Q. BY MR. ZONEN: Are you telling us to the best of your recollection right now, in all of the telephone conversations you had with Mr. Dickerman, you do not recall him ever asking you specifically to have the Arvizos' passports returned to him; that that simply didn't come up?
A. No, I think what I testified to is that if passports came up, it would have been either through a conversation with Mr. Dickerman or with Mr. Miller, Brad.
Q. All right. Do you have a specific recollection of a conversation with Mr. Dickerman wherein he asked you to return his clients' passports?
MR. MESEREAU: Objection; vague as to time.
THE COURT: Sustained.
Q. BY MR. ZONEN: Do you have a recollection today of any conversation that you had with Mr. 11385

Dickerman in March or April or May or June of 2003
wherein the subject matter of that conversation was
his clients' passports?
MR. MESEREAU: Objection; vague as to time.
THE COURT: Overruled.
THE WITNESS: I think if you take it into
June, yes, I think we talked about that.
Q. BY MR. ZONEN: All right. You think that
the first time that the conversation about passports
came up in June?
A. No. But I think, as I indicated before, if
I had the conversation -- the first question was
March or April, and I do have a vague recollection
of either Dickerman or Brad bringing that subject
up. In my mind, the two are associated because I
would fax his letters over to Brad and tell Brad to
get the item.
Q. Between March and the end of June of 2003,
did you tell Bill Dickerman that you would locate
the passports that belonged to their clients?
A. The conversations with Dickerman were always
not specific to items, at least when I was talking
to him. It was as to the storage locker and the --
or the storage units.
Q. Did you have a conversation with Bill
Dickerman at any time before the end of June 2003
about the return of passports?
A. Once again, the return of "items" in the 11386

storage locker.
Q. Mr. Geragos, passports. Did you talk about passports?
A. I do not believe -- yes, as I testified, I think in March or April we talked about passports, and it was either Dickerman or with Brad. And I think sometime before June, we had at least two phone calls where I talked about getting his items, or the items for his client, over to his office.
Q. Let's focus on passports right now, okay? We don't need to talk about anything beyond passports at this moment, all right?
Did you ever tell Mr. Dickerman that you would try to locate his clients' passports?
A. No, I told Mr. Dickerman I would try to locate "the items."
Q. Did you ever tell Mr. Dickerman that you have located the passports?
A. I said, "We've got" -- "I know where the items are."
Q. Did you ever have a conversation about where the passports were?
A. I do not believe I ever had a conversation as to where the passports were.
Q. Did he specifically ask you to return passports?
A. When?
Q. At any time during your phone conversations 11387

with him.
A. During the phone conversations I believe that he mentioned passports, that's what I said, in March or April.
Q. When he mentioned passports to you, did you immediately understand those to be passports to get the Arvizo family to Brazil?
A. No. I did not understand that that was -- there was any connection.
Q. Did you understand that passports were in reference to the Arvizo family leaving this country, the United States?
A. I know what a passport is. I don't know what -- I wasn't trying to read his mind.
Q. Did you understand the passports to be in reference to the Arvizo family leaving this country?
A. That they wanted to leave? No, I didn't have that understanding.
Q. Did you understand the passports to have something to do with Michael Jackson or his employees?
A. I understood that the items he wanted he felt were, or I felt, based on my conversations with Brad, were in storage.
Q. How many telephone conversations did you have with Mr. Dickerman between the 24th of March and the end of June of 2003?
A. I couldn't tell you. 11388

Q. Ten?
A. No.
Q. More?
A. Less.
Q. Five?
A. Maybe.
Q. And you're telling us now that you have no recollection of a specific conversation where he specifically asked you to get the passports?
A. I'm telling you that when I talked to Mr. Dickerman, we always talked about getting the items from storage or him taking over the storage units. That's what the subject of the conversations were. And I'm telling you that he -- because you seem to be concentrating on the passports, that I think sometime in March or April, he either wrote it in the letter or he mentioned the passports as being among the items.
Q. All right. Now, when he said "passports," did you make an effort to determine if your client or any of his representatives were in possession of Mrs. Arvizo's passports?
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: I took the letter and I faxed it to Brad and asked Brad to follow up on it. 11389

Q. BY MR. ZONEN: All right. Now, did Brad Miller then contact you and tell you, yes, he knew where the passports were?
A. No.
Q. Did he tell you that the passports were in their storage locker?
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't believe that he did.
Q. BY MR. ZONEN: Did you learn whether or not the passports were in the storage locker?
A. Firsthand knowledge or through hearsay?
Q. Any source.
A. Well, I was told later that the passports were in the possession of Vinnie; that Asaf had picked them up and Asaf had delivered them to my office.
Q. All right. Now, the passports were in the possession of Vinnie?
A. I'm told that Asaf picked them up from Vinnie.
Q. And took them to your office?
A. And delivered them to my office.
Q. Now, Asaf is Brad Miller's employee?
A. Yes.
Q. All right. 11390

A. That was my understanding.
Q. All right. He's not your employee?
A. Well, I hired Brad. Asaf, my understanding, was working for Brad at the time.
Q. All right. Now, Asaf was working for Brad on behalf of Michael Jackson at that time?
MR. MESEREAU: Objection. Assumes facts not in evidence; misstates the testimony.
THE COURT: Overruled.
You may answer.
THE WITNESS: Asaf was working for Brad, and I assumed that Brad was working for me.
Q. BY MR. ZONEN: All right. When exactly was it that Asaf picked up the passports from Vinnie?
A. I don't have any idea.
Q. When did Asaf deliver the passports to Geragos & Geragos?
A. I don't have any idea.
Q. Did he give them to you?
A. No.
Q. Did he book them into some safe in your office?
A. They were put into an evidence locker style that has a locking device on it.
Q. Does Asaf have a key to that evidence locker?
A. No.
Q. So it had to go through somebody in your 11391

office?
A. Yes.
Q. Was that you?
A. No.
Q. All right. Who was it?
A. I don't know.
Q. Did you make an effort to determine who that was?
A. I did.
Q. And who was it?
A. I still don't know. It was either the receptionist or one of the assistants.
Q. The receptionist has a key to your evidence locker?
A. The receptionist has access to that locker to put items into it, yes.
Q. When did you find out that Mrs. Arvizo's passports were in your evidence locker?
A. When I got a substitution of attorney from Mr. Mesereau, and I itemized all of the items that were in there, I located the passports. I determined at that point that -- did a little legal research, realized that they would possibly be evidence in this case, did not want to give them to Mr. Mesereau because I thought that would make him a witness, and I filed them with the court.
Q. Mr. Geragos, you represented Michael Jackson 11392

for what, 16 months?
A. Yes.
Q. And you didn't know during that entire time
that you had possession of Mrs. Arvizo's passports?
A. That's correct.
Q. And you made no effort to determine whether
you had those passports during the time of your
conversations with Mr. Dickerman?
A. Mr. Zonen, I don't believe that I had them
at the time of my conversations with Mr. Dickerman,
because Mr. Dickerman would write me letters, I
would fax the letters over, and I was relying on the
items getting from the storage unit over to Mr.
Dickerman's office.
MR. ZONEN: May I take possession of Exhibit
625?
THE COURT: Yes.
Q. BY MR. ZONEN: Now, at the time that you
discovered the passports in your storage facility,
were you surprised to see them?
MR. MESEREAU: Objection. Relevance;
argumentative.
THE COURT: Sustained.
Q. BY MR. ZONEN: Do you have a system in your
law office where you're supposed to be told what
exhibits are being booked into your exhibit room?
MR. MESEREAU: Objection. Relevance;
argumentative. 11393

THE COURT: Overruled.
You may answer.
THE WITNESS: There's a log that is supposed to be kept.
Q. BY MR. ZONEN: Did you check with the log to find out when the passports came in?
A. I did, and there was no notation for them. They apparently were in a manila envelope, and it may be the same manila envelope that I filed with the Court.
Q. Did you make an inquiry of the employees of your law office to find out who it was who received it?
A. I did. I couldn't find anybody who had checked it in, and I made an inquiry with Brad, who told me about Asaf having picked them up and then delivered them.
Q. Did Brad Miller find out who Asaf gave the passports to?
MR. MESEREAU: Objection. Calls for speculation; relevance.
THE COURT: Sustained.
Q. BY MR. ZONEN: Based on any conversation you had with Brad Miller about the movement of those passports, did you then consult with anybody in your office about whether or not they had, in fact, received those passports?
MR. MESEREAU: Objection. Asked and 11394

answered; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I asked virtually
everybody who was there, if not everybody who was
there, who had received them. Nobody had knowledge
of them. And I couldn't get to the bottom of how
they got in there. I assumed that because they were
in the manila envelope, somebody had placed them in
there because they were told that it related to Mr.
Jackson's case.
Q. BY MR. ZONEN: When you found those
passports, did you look at them?
A. Yes.
Q. Now, you recognized those passports as being
passports that did not belong to you; is that right?
A. I recognized them as passports that were not
mine, absolutely.
Q. And your understanding is that passports are
the possession of the person to whom they're issued?
A. Well, rather than give them to --
Q. Was that a "yes" or "no"?
A. I don't know how to answer that. I
recognized that the court would want them, or that
they should be in possession of the court, and I
delivered them to the court.
Q. It did not occur to you that those passports
belonged to Janet Arvizo and her children? 11395

A. I was not in this case, as the lawyer for this case, going to take items which I thought had evidentiary value and send them back to the Arvizos. My ethical obligation was to file them with the court.
Q. Did you immediately file them with the court, that day?
A. No. I believe I researched it, and I consulted with several other lawyers, and did it within a relatively short period of time.
Q. How long is “a relatively short period of time”?
A. I couldn’t tell you. I know that I did it -- it was a -- it was a concern.
Q. Did you have Attorney Benjamin Brafman write a letter to the Court?
A. I talked to Benjamin Brafman about it. He’s one of the lawyers I consulted with.
Q. Did you ask him to write a letter to the Court?
A. I don’t know. I know that I had a lawyer -- what I did do is I directed a lawyer from my office to file them with the court.
Q. Did you contact Bill Dickerman and tell him you’ve located the passports?
A. No.
Q. Why not?
A. Well, Bill Dickerman, as I understand it, 11396

1 was on the witness list at that point, and I didn't
2 feel that that was appropriate.
3 Q. So you gave consideration to contacting Bill
4 Dickerman?
5 A. I had given consideration to a number of
6 alternatives, in discussions with lawyers about it.
7 Q. Do you know where all of the communications
8 are between you and Bill Dickerman?
9 A. No.
10 MR. ZONEN: If I could approach, Your Honor.
11 THE COURT: Yes.
12 Q. BY MR. ZONEN: Showing you again Exhibit
13 No. 625, and this time a letter on April 8th of
14 2003, do you recognize this letter?
15 A. This may be one of the letters that he sent
16 me.
17 Q. If you could go to Paragraph 3, please.
18 Read that out loud, if you would, please.
19 A. "Regardless of when the apartment items are
20 returned, please deliver to my office the passports,
21 visas, birth certificates and all other documents
22 belonging to my clients immediately. They were
23 last, to my client's knowledge, in Vinnie's
24 possession."
25 Q. "Immediately" is underlined; is that right?
26 A. That's correct.
27 Q. Do you understand underlining to mean --
28 A. Emphasis. 11397

Q. Emphasis. All right.
Now, when you received this presumably on or
about the 8th of April, did you then make an effort
to look for those passports?
A. I don't believe that the passports were in
my possession on the 8th of April.
Q. Did you contact Vinnie to find out if, in
fact, Vinnie had those passports?
A. No. I -- what I said before is, I took the
letter, I faxed it to Mr. Miller, and I asked Mr.
Miller to take action.
Q. All right. Did you follow up with Mr.
Miller soon after the 8th of April to find out if,
in fact, he had located the passports?
A. I just asked him about the items. I wanted
all items delivered to Mr. Dickerman's office.
Q. You acknowledge now receipt of the April 8
letter; is that correct?
A. I -- when you say "acknowledge receipt," it
looks like one of the letters he sent me. I
don't -- frankly, as I sit here, I don't know if all
of those letters are the same letters that Mr.
Dickerman sent me, because there's a number of them
that don't have letterhead, nor are they signed.
Q. Now, this particular letter does actually
have a letterhead, "Law Offices of Dickerman &
Associates," April 8th, the one you acknowledge
receiving? 11398

A. No, I didn't acknowledge receiving it. I said it looks like a letter he would have sent me. But I can tell you as I sit here, the more I think about it, that I don't believe he sent me this March 26th letter. I think he may have sent me a letter in March, but it wasn't this letter. And I think that's why there's no letterhead on it, and I think that's why there's no signature on it. I wouldn't trust anything Mr. Dickerman tells me.

Q. Let's move on to the letter that you've said looks more familiar, all right? The April 8th one. And I believe you said that it does look familiar. You think you've read that; is that correct?

A. No. I'm telling you it looks familiar because it's got a letterhead, it's addressed to me, it's purportedly signed by him. I am not going to sit here, unless you want me to go back and review it, but I wouldn't -- I wouldn't -- I wouldn't attest to anything that Bill Dickerman has produced is the accurate item.

Q. April 9th, take a look at this letter, please. That has a letterhead and a signature; is that correct?

A. It does.

Q. All right. The content of that letter refers to passports, doesn't it?

A. Yes, it does.

Q. Visas and birth certificates? 11399

A. Yes.
Q. Do you have a recollection of reading this letter?
A. I don’t have a recollection of reading that letter.
Q. Do you know where your communications are between you and Mr. Dickerman?
A. I do not as I sit here. I don’t know if I still have them in the office or not.
Q. You could very well have these in your office?
A. I don’t know if I do.
Q. Did you turn over your file to the current defense team, Mr. Mesereau and Mr. Sanger and Miss Yu?
A. I believe that I’ve turned over my entire file.
Q. Would that have included the letters from Mr. Dickerman?
A. Should have.
Q. You acknowledge that the one dated April 9th also contains a reference to birth certificates, visas and passports?
A. The one that he’s provided you does. I would also tell you that the April 11th letter, which has no letterhead, no signature on it, I don’t believe I ever received, the following one. I will tell you that if I have a letter, 11400

that I generally referenced in my letter the one that he would send me. And I would do it there. I would say, “Thank you for your letter dated May 12th.” Or I would say, “Thank you for your letter --

Q. Let’s turn to the --

MR. MESEREAU: Objection. He’s cutting off the witness.

THE COURT: Sustained.

MR. MESEREAU: Could I ask the Court to allow the witness to complete his answer?

Q. BY MR. ZONEN: You do have a letter here --

THE COURT: Just a moment, Counsel. We’re having a conversation over here.

MR. ZONEN: Did you want me to be part of that?

THE COURT: It would help.

Mr. Mesereau requested the witness be allowed to finish the answer. I agree. He probably doesn’t remember where he was at this point. Do you have anything to add to your answer?

THE WITNESS: All I was going to say is that if I reference a letter, I would assume that I got -- that would normally be how I would start it. I would start my letter back to him referencing or thanking him for his letter of that particular date. That does not, however, mean that the letter that he’s produced that I necessarily think is the 11401

one that I got. And I would just show you the --
here's the March 26th letter. This is the one that has no letterhead and is not signed.
The first letter that he apparently has put in this package, I say, "Thank you for your letter of April 3rd. Please give me a call."
I don't mention the March letter, which leads me to believe I didn't get it. I do the same thing with the others. And I don't believe he sent this letter to me.
Q. MR. ZONEN: A letter from you to Mr. Dickerman, a one-sentence letter.
A. Yes.
Q. It says, "We have retrieved various items from storage and would appreciate your advising us as to where they should be delivered."
A. Yes.
Q. The date is the 15th of April.
A. Right.
Q. Does that reference any letters from Mr. Dickerman?
A. I believe that was when we started to talk about, in the phone conversations with him, of having them delivered to a location. And at some subsequent point we actually tried to deliver the items to his office directly.
Q. Did you arrange to have all of the possessions that were placed in storage that 11402

belonged to the Arvizo family delivered to Mr. Dickerman's office?
A. I told Brad to deliver them to the office and give him everything that they had.
Q. Did you tell him to do that knowing that he had no way of accommodating an apartment full of possessions at his office?
A. Did I do it knowing that he couldn't accommodate them?
Q. Yes.
A. I thought he could accommodate it, and I thought it was a law office, and I thought if he wanted them immediately, I was going to give him them immediately, because he would not go and take the storage locker or deal with the storage locker.
Q. Did you get Mr. Dickerman's position -- Mr. Dickerman's permission to deliver the entire content of the Arvizo familys apartment to his office in advance of your doing so?
A. No. What happened was, is when they took --
Q. That's a "yes" or "no," Mr. Geragos. Did you or did you not get his permission?
A. No.
Q. All right. Did you arrange to have it delivered to his office on a day that you knew he would not be there because it was a religious holiday for him?
A. No, I have no idea what religion he is. 11403

Q. Did you know that there was a message on his voice mail indicating that he would not be in his office because of a religious holiday on the date that those possessions were delivered to him?
A. No. I did not know that there was a message on his voice mail. And in any event, the landlord apparently would not accept the items, so they didn't get delivered.
Q. Did you instruct Mr. Miller to deliver all of the items to Mr. Dickerman?
A. Yes.
Q. Did you tell Mr. Dickerman where the items were being stored, the location?
A. Either I did or Brad would have.
Q. When?
A. I don't know.
Q. Do you know why that they were stored under Brad Miller's name?
A. As opposed to whose?
Q. Janet Arvizo. They're her possessions, weren't they?
A. She would have had to have paid for it, and she claimed she had no money, is what my understanding was from Brad.
Q. And why exactly was Brad Miller willing to assume the cost of paying for the storage of her possessions for months? Why was he willing to do that? 11404

A. I don’t know. You’d have to ask him that.
I don’t think he wanted to.
Q. Why were you willing to do that? You were
paying that bill, weren’t you?
A. I don’t believe I was paying that bill, and
I don’t believe that he wanted to do that. I think
he wanted them -- and I told Mr. Dickerman that I
wanted him to take that over so Brad did not have to
continue doing that.
Q. Mr. Geragos, were you responsible for
vouchers being submitted to you by Brad Miller for
expenses that he incurred in this investigation?
A. Vouchers?
Q. How did you bill -- how did he bill you?
How did you pay him?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: He would send me a bill and I
would pay it.
Q. BY MR. ZONEN: Did you keep copies of those
bills?
A. Probably not.
Q. Did you review them to see what he was
doing?
A. Well, I would have looked at it for the
amount, and then would have authorized payment, if
we paid it directly. I don’t know, as I sit here, 11405

whether I paid all of his bills or whether he submitted them to Mr. Jackson's accountant. I couldn't tell you as I sit here.
Q. When did Mr. Jackson stop being responsible for the storage of Miss Arvizo's property?
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: When did you stop being responsible for the storage fees of Mrs. Arvizo's property?
MR. MESEREAU: Objection; assumes facts not in evidence.
THE COURT: Overruled.
THE WITNESS: All right. I don't know that I -- I guess ultimately I'm responsible because Brad was working for me, but I don't think that I was trying to keep those items. In fact, I was trying to get those items to Dickerman.
Q. BY MR. ZONEN: During the four or five months that Miss Arvizo's possessions were in a locker under the name of Brad Miller, who was paying that bill, the storage fees?
A. I assume Brad was.
Q. Would he then bill you?
A. He would either bill me or he would have billed Mr. Jackson's accountant.
Q. Would there be a specific designation for 11406

1 that bill as “Arvizo family storage”?
2 A. I don’t know if there would or not, or
3 whether it would have just been some kind of a
4 listing of expenses.
5 Q. Do you know where those bills are today?
6 A. I do not.
7 Q. Did you order a surveillance be conducted
8 upon Hamid Moslehi?
9 A. I think that I did tell Brad to find out
10 what he was doing with the videotape when he
11 wouldn’t return it.
12 Q. Did you specifically tell Brad Miller to
13 follow Hamid Moslehi?
14 A. I wanted to know what he was doing with the
15 videotape.
16 Q. Did you ask him to film Hamid Moslehi?
17 A. Probably not.
18 Q. Did you believe that Hamid Moslehi was also
19 going to shake down Michael Jackson?
20 A. I wanted to know why -- when I was promised
21 that we were going to get a copy of the videotape,
22 why we didn’t get it.
23 Q. Did you know a man by the name of Johnny?
24 MR. SNEDDON: It’s not there.
25 MR. ZONEN: I’ve got it up here? Where is
26 it? The one that’s in evidence.
27 MR. SNEDDON: It’s in there.
28 MR. ZONEN: I’m like that on Fridays. 11407

THE WITNESS: I understand.
Q. BY MR. ZONEN: Did you know a person named Johnny Mejietich?
A. When?
Q. Easy for me to say, huh?
M-e-j-i-e-t-i-c-h, Mejietich.
A. Not in 2003.
Q. All right. You later learned who that was; is that right?
A. That's right.
Q. And when you learned who that was, you learned that he was some kind of an investigator working for Brad Miller?
A. I learned that later.
Q. You learned that he was not a licensed investigator; is that right?
A. I will accept your representation, but, no, I didn't know that.
Q. Did you ever meet Johnny personally?
A. I don't believe I have.
Q. Did you know at the time that he was working for Brad Miller? And when I say "at the time," I mean on the assignment to follow and investigate the Arvizo family.
A. No. Not him specifically.
Q. Did you know that he contacted the Arvizo family at the home of Janet Arvizo's parents in El Monte? 11408

A. No.
Q. Did you know that he was throwing stones at their house?
MR. MESEREAU: Objection. Misstates the evidence; assumes facts not in evidence; foundation.
MR. ZONEN: That's Maria Ventura's testimony, Your Honor.
MR. MESEREAU: That's not what she said.
MR. ZONEN: And Davellin Arvizo's testimony.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: No. I don't know, and I would find that hard to believe.
Q. BY MR. ZONEN: You would not have approved of such behavior on behalf of an agent working on your behalf; is that right?
A. Right. I don't send people out to throw stones at people's houses.
Q. Did you ever meet Mr. Mejietich personally?
A. I think I said I don't believe that I have.
Q. Did you ever see him?
A. I don't believe that I've ever met him, so I don't believe I've ever seen him.
BAILIFF CORTEZ: Can't hear you, sir.
THE WITNESS: I don't believe I've either met or seen him.
Q. BY MR. ZONEN: When the hands go flying out there, it means they can't hear. 11409

A. I thought it was bathroom break.
(Laughter.)
Q. Exhibit No. 277, would you take a look at that note, both front and back?
THE COURT: Mr. Zonen, you've been taking a lot of liberty at the witness stand.
MR. ZONEN: "Liberty" what, sir?
THE COURT: At the witness stand.
MR. ZONEN: I will move away immediately.
Q. Do you recognize that exhibit?
A. No.
Q. Is that, in fact, what appears to be a note?
A. Yes. It's a -- it looks like a piece of paper that's torn out of a spiral notebook of some kind.
MR. MESEREAU: Excuse me. Can I see what the exhibit looks like?
THE COURT: Yes.
MR. MESEREAU: May I approach, Your Honor?
THE COURT: Yes.
MR. MESEREAU: Thank you.
MR. ZONEN: We learn never to open those binders. They go everywhere once we do that.
Q. You said you don't recognize that note; is that right?
A. I do not.
Q. During the course of your representation of Mr. Jackson you never saw that exhibit? 11410

MR. MESEREAU: Objection; vague as to time.
Q. BY MR. ZONEN: At any time.
MR. MESEREAU: Beyond the scope.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did anybody tell you that Mr. Mejietich, on behalf of Brad Miller, went to the home of Janet Arvizo's parents in El Monte?
A. I think I read a report, one of the sheriff's reports that mentioned that.
Q. If you were to learn that that note was left by Mr. Mejietich at the Ventura family residence in El Monte, would that be consistent with your instructions to Brad Miller?
MR. MESEREAU: Objection. Calls for speculation; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't know what -- I don't know how to answer that, because I don't know why it would have been left.
Q. BY MR. ZONEN: Do you know why an employee of yours was requesting Gavin or Star contact Vinnie or Frank?
A. I don't know. It doesn't say Gavin or Star on it.
Q. Turn it over.
A. Is that what it says? It looks like "To Stat" or -- I guess that could be "Gavin." I don't 11411

1 know.
2 Q. Do you know why an employee of yours would
3 be directing a 13-year-old boy and a 12-year-old boy
4 to call Vinnie or Frank?
5 A. I don't know why the note was left. Like I
6 said, I've never seen the note.
7 Q. All right. Now, after the 13th of March,
8 would you have --
9 A. Of 2003?
10 Q. -- would you have any reason --
11 A. Of 2003?
12 Q. Of 2003. Would you have any reason to
13 direct an employee of yours to have these children
14 contact employees of Michael Jackson?
15 MR. MESEREAU: Objection. Calls for
16 speculation; foundation; relevance; beyond the
17 scope.
18 THE COURT: Overruled.
19 You may answer.
20 THE WITNESS: I don't know why the note was
21 left.
22 Q. BY MR. ZONEN: Do you know if Brad Miller
23 was working with Frank or Vinnie during the early to
24 middle part of March?
25 A. When you say "working with," I believe he
26 was talking to them.
27 Q. All right. Was he receiving instructions
28 from them? 11412

A. I don’t think he was receiving instruction from them.
Q. Did you give any direction to Brad Miller to take instruction from either Frank or Vinnie?
A. No. I don’t think that he was taking -- I don’t know, but I don’t think he was taking instruction from them.
Q. Did you know that in the early part of March of 2003, there was an effort by some employees of Michael Jackson to have the Arvizo family go to Brazil?
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: In March or February of 2003, I don’t believe so. I think that was -- is that a different question than what you had asked me before?
Q. BY MR. ZONEN: No.
A. Before the break?
I don’t believe so. I think, as I indicated before, if I had that conversation, it would have been with either Dickerman or Brad.
Q. During February or March of 2003, did you have a conversation with Marc Schaffel about the Arvizo family going to Brazil?
A. I don’t believe so. 11413

Q. Were you aware, during the month of March of 2003, whether or not employees of Michael Jackson checked the Arvizos' sons out of John Burroughs Middle School?
A. No, I'm not aware that that happened.
Q. When did you learn that happened?
MR. MESEREAU: Objection. Foundation; assumes facts not in evidence; relevance; beyond the scope; vague as to time.
MR. ZONEN: Leading, too?
MR. MESEREAU: Leading, too.
THE COURT: The objections are overruled.
MR. ZONEN: Mine too?
THE WITNESS: I don't know that I've ever learned that.
Q. BY MR. ZONEN: Was there ever a conversation with Brad Miller about the children going to John Burroughs Middle School?
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't remember. I mean, they may have attended there. Maybe. I don't know.
Q. BY MR. ZONEN: Were you aware that Johnny Mejietich was seen filming the Arvizo children at John Burroughs Middle School?
A. No. 11414

MR. MESEREAU: Objection; vague as to time.
THE COURT: Overruled. The answer was “No.”
Next question.
Q. BY MR. ZONEN: Did Brad Miller ever talk to you about conducting a surveillance of the children at John Burroughs Middle School?
A. No, not that I’m aware of. I don’t know that I talked specific locations. Like I said, I told him to find out where they were, what they were doing, who they were meeting with.
And the middle school doesn’t ring a bell. It’s not to say he might not have said they’re attending school or might not have told me at some point that they were attending school or he saw them attending school. I just don’t remember John Burroughs Middle School.
Q. Do you know why the children were checked out of John Burroughs Middle School by Vinnie?
A. I don’t know that that happened.
Q. Well, let’s assume, hypothetically, in early March 2003, Vinnie Amen, then an employee of Michael Jackson, checked out these two boys from John Burroughs Middle School.
A. I don’t know why he would have done that.
Q. Did anybody have any conversation with you about Michael Jackson’s employees being involved with these two boys being taken out of that school?
MR. MESEREAU: Objection. Vague as to time; 11415

assumes facts not in evidence; relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: Discussions with Vinnie? Is that what you're asking? Or with anybody?
MR. ZONEN: Could the question be read back?
THE COURT: Yes.
(Record read.)
THE WITNESS: I don't believe so, no.
Q. BY MR. ZONEN: Now, during this period of time, of February and March of 2003, you were representing Michael Jackson?
A. Yes.
Q. And your concern, of course, dealt with the Arvizo family?
MR. MESEREAU: Objection. Vague; argumentative; foundation.
THE COURT: Overruled.
Q. BY MR. ZONEN: Is that correct?
A. That was one of my concerns, yes.
Q. All right. I assume one of the other concerns you had is whether or not the statements Michael Jackson made in the "Living with Michael Jackson" documentary were true?
MR. MESEREAU: Objection. Vague as to time; relevance.
THE COURT: Overruled. 11416

You may answer.
THE WITNESS: Which statements?
Q. BY MR. ZONEN: About sleeping with boys.
A. Whether they were true?
Q. Yes.
A. We went through this before. I told you before. The suggestion that the sleeping with boys was sexual, if that's what you're suggesting, no, I did not believe that that was true.
Q. Mr. Geragos, the question was whether or not any boys occupied the same bed with Michael Jackson at the same time.
A. That wasn't the question.
Q. All right.
A. You asked me about sleeping with them and now you're asking me whether they're sleeping in the same bed.
Q. All right.
A. Okay. So I don't know what statements you're talking about. Be specific.
Q. Did you make any inquiry with Michael Jackson during the months of February and March about whether or not he shared a bed with a child other than his own?
MR. MESEREAU: Objection. Relevance; foundation.
THE COURT: Overruled.
You may answer. 11417

THE WITNESS: Michael Jackson, in the discussion I had with him and my observation of him with the kids, I did not --
MR. ZONEN: I'll object as exceeding the scope of the question.
MR. MESEREAU: Objection; he's cutting off the witness.
MR. ZONEN: We're going to have to resolve that, too.
THE COURT: The objection is sustained. He's not cutting off the witness. He's not answering the question.
Read the question back.
(Record read.)
THE WITNESS: Yes.
Q. BY MR. ZONEN: Did you ask him if it was true that he shared a bed with a child other than his own?
A. No, I did not ask that question.
Q. During February and March of 2003, during the period of time that you had directed Brad Miller to take account of who the Arvizo family were associating with, did you consult with any employees of Michael Jackson to determine what they were doing with the Arvizo family?
A. Yes, I think that I talked to a number of people.
Q. Did you talk with Marc Schaffel? 11418

A. I believe that I talked a number of times with Marc Schaffel. I talked with, I believe, Joe Marcus. And I had other lawyers in the office talk with people at the ranch as well.
Q. Did you have conversations with Marc Schaffel specifically about the Arvizo family?
A. I think that I've talked with Schaffel about the Arvizo family.
Q. Did Marc Schaffel tell you that they were making arrangements to move the Arvizo family to Brazil?
A. I just don't remember if he told me -- if he ever told me that. I think that normally when I talked to Schaffel about the Arvizos, my memory of it is in regards to the video and this rebuttal tape, as they called it.
Q. Mr. Geragos, with regards to conversations with Marc Schaffel, are you telling us it's possible you had a conversation with him about moving the Arvizo family to Brazil?
A. That if -- no. I don't think that he ever told me that he was moving the Arvizo family to Brazil. I just don't have any recollection of that.
Q. Do you have a recollection of any conversation with Marc Schaffel wherein the subject of Brazil came up?
A. You know, I think that Schaffel, during that period of time, told me that he had gone to Brazil. 11419

Q. All right. Did you have a conversation with Marc Schaffel at any time in February, March of 2003, where Marc Schaffel mentioned Brazil in the context of the Arvizo family?
A. I don't believe so. I believe that when he talked about Brazil, it was because he had gone to Brazil or was going to Brazil or something to that effect.
Q. Did you have any conversations with Frank Cascio during the month of February and March?
A. Yes.
Q. Did you have numerous conversations with Frank Cascio during the months of February and March of 2003?
A. I would say more than five.
Q. Could it have been more than 25?
A. It could -- well, I wouldn't say 25. But I would say more than five.
Q. Do you have a recollection as to whether any of those conversations included a discussion of Brazil?
A. I don't know if the conversations took place after I would have talked to Brad or Dickerman. I just don't know. I can't put it in context. But I don't -- as I sit here, I don't remember, but that doesn't mean I didn't.
Q. Do you have a recollection of any specific conversation you had with Frank Cascio regarding the 11420

Arvizos and Brazil?
A. I don't have any specific recollection as I sit here.
Q. Do you have a recollection of anything Frank Cascio may have said to you about the Arvizo family going to Brazil?
A. No, I still think that probably would have been with Brad or with Dickerman.
Q. Did you have any conversations with either Dieter Weizner or Ronald Konitzer during March or February of 2003?
A. I think, as I testified last week, that in February and March of 2003, I had very limited contact with Dieter.
And I talked with Ronald. And I don't think I talked to Ronald about any of -- any of those things. Ronald's discussions with me generally wouldn't have been about things like that.
Q. Do you have a recollection at all during the months of February and March of 2003 of thinking to yourself that Michael Jackson or his employees ought not be involved in moving the Arvizo family to Brazil?
MR. MESEREAU: Objection. Argumentative; foundation.
THE COURT: The objection is overruled.
THE WITNESS: Of thinking to myself?
Q. BY MR. ZONEN: Yes. 11421

A. I don't know.
Q. Did you have a conversation with anybody at all during the months of February or March of 2003 where the subject of that conversation was the fact that Michael Jackson's employees ought not be involved in moving Janet Arvizo and her children to Brazil?
A. If I would have had that conversation, like I said, it would have been with Dickerman and/or Brad.
Q. All right. And you're saying you would have, but you have no independent recollection of it?
A. I don't remember what the conversation was or who brought up Brazil. I know that there was discussions, and I just don't remember if it was Dickerman or Brad.
Q. Were any bills paid for passports or visas, passports or visas or birth certificates that were paid for by you?
A. No.
Q. Were there any bills paid for by you that involved moving the Arvizo family from their apartment or their rents?
A. Not that I'm aware of.
Q. Only the storage unit, then, was paid by your office?
A. If he submitted it with an expense bill, but 11422

I don’t believe that he did. I would have to take a look at the bills.
Q. Mr. Geragos, I asked you a question early on about the DCFS taped interview, the tape of that interview. And you answered that you thought it may have come from Mr. Sneddon.
A. The tape would have been turned over as a copy after the search warrant was executed.
Q. All right. Mr. Geragos, you know that that tape was not in our possession until just prior to the trial?
A. I didn’t --
MR. MESEREAU: Objection. Argumentative; assumes facts not in evidence
THE COURT: Sustained.
Q. BY MR. ZONEN: Mr. Geragos, when you say the tape was received, do you mean in discovery?
A. I believe that, yes, in discovery, the tape was received.
Q. All right. You think that that tape was then seized from Michael Jackson’s residence?
A. No.
MR. MESEREAU: Objection.
THE WITNESS: I think --
MR. MESEREAU: Objection; foundation.
MR. ZONEN: Well, then we need to resume this at sidebar, based on the earlier conversation as to how to resolve this. 11423

THE COURT: Do you have any other questions you want to ask?
MR. ZONEN: Perhaps, if I could have just a moment, yeah.
May I have just a moment, please?
(Discussion held off the record at counsel table.)
Q. BY MR. ZONEN: Mr. Geragos, did you at any time have a conversation with your client, Michael Jackson, during the months of February or March where the subject of Brazil came up?
A. No.
Q. He never told you he was going to go to Brazil?
A. No.
Q. Did he ever talk to you about the Arvizo family?
A. Going to Brazil? Absolutely not.
Q. Were you aware that employees of yours were standing guard outside the Country Suites in Calabasas?
MR. MESEREAU: Objection. Argumentative; assumes facts not in evidence.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't believe any employees of mine were standing guard outside of the Country Suites. I don't buy that for a second. 11424

Q. BY MR. ZONEN: Are you aware that Johnny was there at the Country Suites at the time that the Arvizo family was staying there?
A. If he was there, I don't believe he was standing guard.
Q. Do you know what he was doing there?
A. I don't. But I don't believe that he would be standing guard.
Q. Did Brad Miller ever talk to you about his involvement with the Arvizo family at the Calabasas -- at The Country Suites & Inn in Calabasas?
A. At the time in February or March, no.
Q. All right. Did he tell you that he was surveilling them while they were at The Country Inn & Suites in Calabasas?
A. I don't believe that he was.
Q. Did he tell you that he was doing that?
A. I don't believe that he did, no.
Q. Did he tell you that he was conducting any kind of surveillance of the family between the days of the 25th of February and the 2nd of March?
A. I think that he was, yes.
Q. All right. Now, that, of course, was during the period of time that you had directed him to do an investigation of the Arvizo family; is that right?
A. I wanted to know where they were and what 11425

1 they were doing.
2 Q. And that direction included finding out
3 where they were and what they were doing, right?
4 A. Exactly.
5 Q. Did word get back to you from Mr. Miller
6 that for that five-day period they were at a hotel
7 in Calabasas?
8 MR. MESEREAU: Objection; vague as to
9 relevance.
10 MR. ZONEN: The 28th of February -- I'm
11 sorry, the 25th of February to the 2nd of March,
12 19 -- 2003.
13 THE COURT: The objection is overruled.
14 THE WITNESS: I don't remember if he did.
15 It wouldn't surprise me if he did, but I don't
16 remember.
17 Q. BY MR. ZONEN: Did he tell you what they
18 were doing there?
19 A. Like I say, I don't remember if he did.
20 Q. Did you learn from him if they were there
21 with Vinnie and/or Frank?
22 MR. MESEREAU: Objection. Vague as to time;
23 relevance; beyond the scope.
24 THE COURT: Overruled.
25 THE WITNESS: As I indicated, I don't have an
26 independent memory of what he would have told me
27 back then as to the Country Suites.
28 Q. BY MR. ZONEN: Was Brad Miller working 11426

directly with Vinnie and Frank to determine the whereabouts and location and movement of the Arvizo family?
A. I don't believe that he was, no.
Q. Did you instruct employees of Michael Jackson to cooperate with Brad Miller so that he could do his investigation of the Arvizo family?
A. I instructed Brad Miller to talk to people.
Q. Did you tell him to specifically talk to Vinnie and Frank about where the Arvizos were going and from where they were coming?
A. I would tell him to talk to Vinnie and Frank, absolutely.
Q. So it would be reasonable to assume that Brad Miller knew where they were during this period of time if they were in the company of either Frank or Vinnie?
A. I think that's reasonable.
Q. All right. Did you ever learn that they were at The Country Inn & Suites in Calabasas during that period of time?
A. Did I learn it in February or March?
Q. Yes.
A. I don't think that I did. But like I say, he may have told me.
Q. If, in fact, Johnny was there at that time, he would have been there at Brad Miller's direction; is that true? 11427

A. As I sit here today, yes.
Q. Did you know something back then different from that?
A. I didn't -- as I explained to you, I didn't know Johnny was working for him at the time. I know --
Q. When did you first learn the expression --
MR. MESEREAU: Objection. He cut off the witness.
THE COURT: Sustained.
You may complete your answer.
THE WITNESS: It's okay.
Q. BY MR. ZONEN: When did you first hear the statement "crack whore" in connection with Janet Arvizo?
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation; argumentative.
THE COURT: Sustained. Foundation.
Q. BY MR. ZONEN: Did you ever have a conversation with Marc Schaffel about Janet Arvizo where the term "crack whore" came into the conversation?
MR. MESEREAU: Objection. Foundation; argumentative.
THE COURT: Overruled.
THE WITNESS: I don't believe so.
Q. BY MR. ZONEN: Did you have a conversation with Brad Miller about the content of the telephone calls that he had been monitoring between Frank and 11428

1 Janet Arvizo?
2 MR. MESEREAU: Objection. Foundation;
3 assumes facts not in evidence.
4 MR. ZONEN: I'm sorry?
5 THE COURT: Foundation, sustained.
6 Q. BY MR. ZONEN: Did you learn from Brad
7 Miller that Janet Arvizo and Frank Cascio had been
8 having telephone calls during the month of February
9 while she was away from Neverland Ranch?
10 A. In -- did I learn that in February or
11 March -- in March of 2003?
12 Q. Yes.
13 A. I believe that I knew that they had
14 called -- that they had talked to each other on the
15 phone, yes.
16 Q. All right. Did Brad Miller tell you about
17 the content of those telephone conversations?
18 A. He might have. I don't have any memory of
19 it.
20 Q. Did he tell you specifically that Janet
21 Arvizo told Frank Cascio that she could not be
22 bought and that she would not sell a story to any of
23 the media or the tabloids?
24 A. No.
25 Q. He never said that to you?
26 A. No.
27 Q. Did he tell you about the content of any of
28 those telephone calls that she had with Frank? 11429

A. Yeah, and that -- one of the things that sticks out in my mind is that she was complaining about what she called “the Germans.”
Q. All right. She was scared of the Germans?
A. She wasn’t scared. She didn’t indicate she was scared. But she was complaining about them, that they were limiting her.
Q. Now, you never listened to those phone conversations, right?
A. Which phone conversations? The ones between Frank and Janet?
Q. Janet, yes.
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Did you ever listen to those?
A. In February or March of 2003, no.
Q. All right. When did you finally listen to that telephone conversation or conversations?
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: Overruled.
THE WITNESS: Sometime after February or March of 2003.
Q. BY MR. ZONEN: All right. And in fact, she said that she was scared and upset about the Germans, right? 11430

MR. MESEREAU: Objection. Hearsay; assumes facts; foundation.
THE COURT: It's vague. The question is vague.
Q. BY MR. ZONEN: When did you listen to the tape-recording of the phone conversation between Janet and Frank?
MR. MESEREAU: Objection. Relevance; beyond the scope; vague as to time.
MR. ZONEN: That's what I asked, was when.
THE COURT: The objection is overruled. He did answer that. He said, "Sometime after," and he gave a period of time.
Q. BY MR. ZONEN: I would like to know when that was, please.
A. I don't know the exact date. It would have been sometime well after.
Q. All right. Prior to --
A. It would have been after the time of the search warrant on Mr. Miller's office.
Q. All right. And when you listened to it, you heard what she had said; is that correct?
A. That's right.
Q. All right. And did you listen to that tape in the company of Brad Miller?
MR. MESEREAU: Objection. Beyond the scope; relevance; vague as to time.
THE COURT: Overruled. 11431

You may answer.
Q. BY MR. ZONEN: Did you listen to it in the company of Brad Miller?
A. I don't think so.
Q. After you listened to it, did you call Brad Miller?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled.
THE WITNESS: Overruled?
THE COURT: You may answer.
THE WITNESS: Yeah. Probably did, yes.
Q. BY MR. ZONEN: You probably listened to it in the company of Brad Miller?
A. No, I listened to it and then probably called him afterwards, yes.
Q. Did you ask him why it was that he had a tape-recording of a conversation that was clearly a telephone conversation?
A. Yes, I --
MR. MESEREAU: Objection. Relevance; foundation; vague as to time; and argumentative.
THE COURT: Overruled. The objection is --
THE WITNESS: Yes, I did.
Q. BY MR. ZONEN: What did he tell you?
A. He told me --
MR. MESEREAU: Objection; hearsay.
MR. ZONEN: A declaration against penal 11432

1 interest.
2 THE COURT: Overruled.
3 Q. BY MR. ZONEN: Go ahead. What did he tell
4 you?
5 A. He told me that Frank had expected that
6 there was going to be some kind of a -- an admission
7 or crime that Janet was going to propose on the
8 telephone call and that's why he taped it.
9 Q. Now, you understand that that should be
10 monitored by law enforcement, right?
11 A. That's one of the exceptions, yes.
12 Q. Can you tell us what Penal Code section says
13 that a private citizen can decide on their own to
14 tape-record a conversation because they think
15 there's going to be a crime?
16 A. If you give me the Penal Code at the break,
17 I'll be happy to point it out to you, and I'll give
18 you the case as well.
19 Q. Did you give Brad Miller instruction to do
20 that, to tape-record telephone conversations between
21 Frank and Janet?
22 A. No, I did not.
23 Q. In fact, what you listened to didn't
24 evidence any crime whatsoever, did it?
25 A. I did not hear any crime on that phone -- on
26 that phone call.
27 Q. She did not ask Frank for money at all, did
28 she? 11433

A. That's correct.
Q. She did not tell Frank that she was going to take her story to the press, right?
A. That's correct.
Q. And that wouldn't have been a crime either, would it have?
A. It would not have been.
Q. The only crime that you anticipated would be her telling Frank, "I would like some money or I'm going to make a false claim against your client, Michael Jackson"?
A. When you say I "anticipated," I told you I didn't listen to it until after it was seized out of Mr. Miller's office.
Q. Did Mr. Miller make the decision on his own to tape-record that conversation?
A. That's what he told me.
Q. So he didn't consult with you in advance?
A. He did not.
Q. Did he tell you that that was a compilation of a number of different phone calls?
A. He did not.
Q. Did you hear breaks in that recording?
A. I didn't notice any breaks in that recording. The only breaks that I noticed were in the ones that we talked about last week, the one that I think was on February 16th.
Q. Did you ask Brad Miller if he made multiple 11434

tape-recordings of conversations?
A. I asked if there were any others.
Q. What did he tell you?
A. That there were not.
Q. Did you ask him if he altered that tape in any way?
A. I didn't ask him that. I asked him specifically as to the February 16th tape.
Q. Did he tell you that that tape was an accurate recording of a single conversation?
A. He said that they had sat down in the location of the apartment and had recorded it all at one sitting.
Q. Did he tell you who was present at the time of that recording?
A. I believe that he did. I believe he told me that it was the family, and I think at one point the boyfriend was there as well.
Q. Did he tell you that there was nothing said in the course of that conversation that would cause you concern about Janet Arvizo?
A. I'm sorry, what?
Q. Did he tell you that there was nothing said in the course of that conversation that would cause you concern about Janet Arvizo?
A. No, on the contrary. He told me that he thought that they were telling the truth and that Michael Jackson hadn't done anything -- 11435

Q. I'm sorry?
A. -- to the kids.
Q. Did Brad Miller tell you that, in the course of the telephone conversation he monitored, that there was nothing Janet Arvizo said that would cause him concern about her taking any kind of legal action against Michael Jackson?
A. We're talking about the Frank and Janet, not the other --
Q. The telephone conversation.
A. Okay. There's two tapes. One tape is February 16th with the family. The other tape that you found in the office was a tape-recording of Frank's call to Janet.
Q. Mr. Geragos, I'm asking about the telephone conversations that were surreptitiously taped.
A. Frank's call to Janet.
Q. Yeah. Because Brad Miller thought she was going to shake him down for money, right?
A. That's correct.
Q. That phone call was placed to Janet Arvizo, correct?
A. That's correct.
Q. Now, why exactly was Brad Miller placing a telephone call to Janet Arvizo wherein he anticipated she would then hit him up for money?
A. I don't know why he was -- why -- I don't think Brad placed the phone call. I think that 11436

Frank placed the phone call. It sounds like it's his voice.
Q. Well, but they're in the same room, right?
A. I don't believe that they were. I think that was a three-way call.
Q. Well, all right. But somebody set that up, right?
A. I don't know. You'd have to ask him. I believe that the -- that Frank said he was going to call her. Brad told me that he was going to tape it. I don't think that they did it in the same room.
Q. And Brad and Frank, Brad Miller and Frank Cascio, then coordinated with each other to be able to have this conference call tape-recorded without Janet Arvizo's knowledge; is that right?
A. I would just be assuming that. I don't know. I didn't ask that question.
Q. All right. Now, did you ask Brad Miller if he had a conversation with Frank Cascio in advance of that, of that call, as to what Frank Cascio should say to Janet?
A. No.
Q. Did he offer to you the fact that there was a conversation between he and Mr. Cascio about what would be said to Janet Arvizo?
A. Not that I remember, no.
Q. Did he tell you? 11437

A. I just assumed it, because it was recorded.
Q. Did he tell you in advance that they were going to set up that telephone call, “he” being Mr. Miller? Did Mr. Miller tell you in advance?
A. Mr. Miller didn’t tell me about it until you seized -- or “you” being the progression -- seized it from the office, and that’s when I asked. That would have been sometime after November of 2003.
Q. Did Brad Miller write any reports to you about his surveillance or investigation of the Arvizo family?
MR. MESEREAU: Objection. Vague as to time; relevance; beyond the scope.
MR. ZONEN: I didn’t hear the ruling, I’m sorry.
THE COURT: It hasn’t come yet.
MR. ZONEN: Ahh. Maybe that’s why.
THE COURT: The objection is overruled.
THE WITNESS: Yes.
Q. BY MR. ZONEN: Did he write those reports to you during the months of February and March of 2003?
A. No.
Q. Did he write them after March of 2003?
A. Yes.
MR. MESEREAU: Objection. Relevance; beyond the scope.
THE COURT: I’ll leave the answer in. Next question. 11438

Q. BY MR. ZONEN: When did you receive a report from Brad Miller that specifically dealt with that telephone conversation between Janet and Frank?
A. I don't think that I did.
Q. Did he never -- did he never write a report about that conversation?
A. I don't believe that he did.
Q. Did you ask him to write a report about that conversation?
A. No.
Q. Why not?
A. Why?
Q. Did you think it was illegal?
A. At the time I felt, when I talked to him, that he articulated to me at least a reasonable expectation that a crime was going to be committed, so, no, I did not think this was illegal.
Q. How many reports did Brad Miller write to you about his investigation of the Arvizo family prior to the end of April 2003?
A. I couldn't tell you.
Q. Where are those reports today?
A. If they exist, I would have turned them over.
Q. You don't have them in your possession anymore?
A. I don't believe so.
Q. What do you mean by "if they exist"? Is it 11439

possible you destroyed those reports?
A. No, I'm saying if he made them.
Q. You don't --
A. I wouldn't have destroyed them. But if he had made a report, I would have turned them over.
Q. You believe that during a three-month investigation, he might not have written any reports at all?
A. No, the -- the period of time for the investigation would have been sometime after February 7th through March, which would have, as I indicated before, been about 35 to 40 days. I believe that what he was doing would orally update me on what was happening.
Q. At any time -- at any time, Mr. Geragos, at any time up through the end of June of 2003, did Bradley Miller write any reports of his activities involving the Arvizo family?
MR. MESEREAU: Objection; relevance.
Q. BY MR. ZONEN: And submit those reports to you?
MR. MESEREAU: Objection. Relevance; foundation; beyond the scope.
THE COURT: Overruled.
THE WITNESS: I couldn't tell you as I sit here. I know that I talked to him about it, and I don't know if he wrote up a formal report.
Q. BY MR. ZONEN: You don't have a clear 11440

recollection at this time of receiving any reports from Brad Miller prior to the conclusion of 2003?
A. Not as I sit here. If you've got one, you can show it to me.
Q. Did you ever take possession of any of the surveillance tapes from Frank -- excuse me, from Brad Miller? Did he ever give you any of the surveillance tapes?
A. No. Are we talking the same tapes you were asking me about?
Q. The surveillance tapes from the Arvizo family.
A. I was told those were seized through the search warrant, and I got those through discovery.
Q. Did Brad Miller ever give you copies of those surveillance tapes?
A. No.
Q. Did Brad Miller ever furnish you written reports of the surveillance activities that he was conducting?
MR. MESEREAU: Objection. Relevance; foundation; beyond the scope.
THE COURT: I think it's been asked and answered. I think he said he doesn't know.
Q. BY MR. ZONEN: Did Brad Miller ever send you e-mails that detailed his activities, specifically with regards to the surveillances?
A. He might have. 11441

Q. All right. Now, where are those e-mails?
A. If they -- as I indicated last week, if I saved them, I probably would have saved them into the -- at the risk of being mocked, into my Word Perfect file.
Q. I promise I won't do that today.
A. Thank you.
Q. Do you still have that in your office?
A. My Word Perfect file?
Q. Yes.
A. Yes.
Q. Did you check that file over the last week since you were here last Friday?
A. I checked on the date of the retainer after you had asked me.
Q. Did you check to see if you still have notes in any capacity, either by way of e-mail or handwritten notes or typed notes, from Brad Miller still in your file?
A. I didn't check on notes. I checked on -- because you were asking me about whether it was late January or early February. I checked on when the retainer agreement was, and it looked to me to be February 4th. And that's the thing that I was focused on checking on.
Q. Did you check in your Word Perfect, Series 11 --
A. 11. 11442

Q. -- file --
A. Yes.
Q. -- on Mr. Jackson, the Jackson file, on whether or not there were e-mails from Brad Miller?
A. I did not.
Q. Did you check -- over this last week, did you check to see if there were e-mails from any of the people we've previously discussed, Mr. Schaffel, Mr. Weizner, Mr. Konitzer, Amen or Cascio?
A. No. Like you, I've been in trial for the last week.
THE COURT: All right. Let's take a break.
(Recess taken.)
THE COURT: Counsel?
MR. ZONEN: Your Honor, I have concluded my cross-examination.
BAILIFF CORTEZ: Microphone's off, sir.
MR. ZONEN: You'd think after three months I would have learned this.
I've concluded my cross-examination. I had indicated before that we needed a conference prior to that, and I think we may have resolved that issue.
THE COURT: Okay.
MR. ZONEN: Don't need to do that.
I will require an additional conference, but it does not have to be until the conclusion of redirect examination. 11443

1 And before the witness is excused, I would
2 like to have a conference. It doesn't need to be in
3 the presence of the jury.
4 THE COURT: All right.
5 MR. MESEREAU: Thank you, Your Honor.
6
7 REDIRECT EXAMINATION
8 BY MR. MESEREAU:
9 Q. Mr. Geragos, during February and March of
10 2003, did you know whether or not Janet Arvizo ever
11 told anyone she wanted to go to Brazil with Michael
12 Jackson?
13 MR. ZONEN: Objection. Lack of foundation;
14 lack of personal knowledge.
15 THE COURT: Sustained.
16 Q. BY MR. MESEREAU: Mr. Geragos, during
17 February or March of 2003, did you have any personal
18 knowledge of whether or not Janet Arvizo ever told
19 anyone she wanted to go to Brazil with Michael
20 Jackson?
21 MR. ZONEN: Personal knowledge being limited
22 to conversations with Janet Arvizo?
23 THE COURT: Just a moment.
24 Sustained.
25 Q. BY MR. MESEREAU: During February or March
26 of 2003, did you have any personal knowledge of
27 whether or not Janet Arvizo wanted Michael Jackson
28 to get her a new home? 11444

MR. ZONEN: I'm going to object to "personal knowledge," and vague.
BAILIFF CORTEZ: Your microphone's off.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. Geragos, during February and March of 2003, was it your understanding that Janet Arvizo wanted possessions moved out of her apartment in East L.A., wanted those possessions stored, and wanted someone else to pay for it?
MR. ZONEN: I'll object as to lack of foundation and speculation.
THE COURT: And compound.
MR. ZONEN: And compound.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. Geragos, during February and March of 2003, did you have any personal knowledge of whether Janet Arvizo wanted to move out of her apartment on Soto Street in East Los Angeles?
MR. ZONEN: "Yes" or "no." I'll object beyond "yes" or "no."
THE COURT: You may answer that "yes" or "no."
THE WITNESS: Yes.
Q. BY MR. MESEREAU: And what was your knowledge based upon?
A. Based on my conversation with Brad Miller. 11445

Q. During February and March of 2003, did you have any personal knowledge of whether or not Janet Arvizo wanted someone to retrieve her possessions from the apartment on Soto Street?
A. From Brad Miller, I --
MR. ZONEN: I'll object, Your Honor, as a lack of foundation.
THE COURT: I'll strike the answer. But you are to answer that question "yes" or "no." It's a question about -- do you want it read back?
THE WITNESS: "Yes" was the answer to the question.
Q. BY MR. MESEREAU: And what was your personal knowledge based upon?
A. Conversations with Brad Miller.
Q. And what was your personal knowledge?
MR. ZONEN: I'll object as hearsay.
THE COURT: Overruled.
THE WITNESS: That she wanted the -- she wanted to move in with her boyfriend, she wanted those items stored, and that she arranged with Brad to do that.
MR. ZONEN: I'm going to move to strike as hearsay.
MR. MESEREAU: It was his personal knowledge, Your Honor.
THE COURT: Well --
MR. ZONEN: If it's for the truth of the 11446

matter --
THE COURT: Just a moment. Just a moment.
This is another one of those situations
where that is what he testified to under your
cross-examination. The objection is overruled.
Next question.
Q. BY MR. MESEREAU: Mr. Geragos, during
February and March of 2003, did you have any
personal knowledge of whether Janet Arvizo wanted
the storage costs for storing her possessions paid
for by someone else?
A. Yes.
Q. And what was your personal knowledge based
upon?
A. Conversations with Brad Miller.
Q. And what was your personal knowledge about
that subject?
MR. ZONEN: Objection; hearsay.
THE COURT: Overruled.
You may answer.
THE WITNESS: Precisely that. That she
wanted the items stored there and she wanted
somebody else to pay for them.
Q. BY MR MESEREAU: During February and March
of 2003, did you have any personal knowledge about
whether or not Janet Arvizo was planning to go to
Brazil with Michael Jackson?
A. If I did, it would be the same answer I gave 11447

to Mr. Zonen, that the conversations would have been either through Brad or through Dickerman's conversations, which would have stretched into April and May.

Q. During February and March of 2003, did you have any personal knowledge of whether or not Janet Arvizo changed her mind about Brazil when she decided Michael Jackson was not going with her?

A. I don't think that that was in February or March of 2003 that I heard that.

Q. During February and March of 2003, did you know whether or not Janet Arvizo was using the Soto Street address in East Los Angeles to defraud welfare authorities?

MR. ZONEN: Objection. Exceeds the scope of the cross-examination. Lack of foundation. Also legally speculative.

THE COURT: The objection is sustained. It's argumentative.

Q. BY MR. MESEREAU: During February and March of 2003, Mr. Geragos, did you have any personal knowledge of what purpose Janet Arvizo had in keeping that Soto Street address?

MR. ZONEN: Objection. Speculative; lack of foundation; and irrelevant.

THE COURT: All right. You may answer that "yes" or "no." I'll overrule the objection.

THE WITNESS: Can I answer it "I don't know"? 11448

THE COURT: Yes. That's an option.
THE WITNESS: Okay. I don't know.
Q. BY MR. MESEREAU: During February and March of 2003, Mr. Geragos, did you have any personal knowledge of whether or not Janet Arvizo arranged to have someone else pay the rent at Soto Street?
A. Yes.
Q. And what was your personal knowledge based upon?
A. Conversations with Brad.
Q. And what was your knowledge about that?
A. Brad said that she wanted the rent paid and I believe at some point produced some document from the landlord, or something like that, that I saw later on after February or March.
Q. And was it your personal knowledge in February and March of 2003 that someone else actually paid Janet Arvizo's rent for the Soto Street address?
A. I was told that.
Q. By who?
A. Brad.
Q. And what were you told?
A. That he had paid it.
Q. Did you learn how many months he had paid Janet Arvizo's rent at Soto Street?
A. I think he told me two.
Q. Did you ever learn for how many months Brad 11449

Miller paid Janet Arvizo's storage costs?
A. Only through Mr. Zonen's questioning.
Q. Okay. You didn't know --
A. I didn't know at the time. I think I had assumed it was from the time that the storage -- or the items had gone into storage to the time that I was dealing with Dickerman, which would have been, I don't know, 45 or 60 days, something like that.
Q. Now, during February and March of 2003, was it your understanding that Janet was spending most of her time living at Jay Jackson's apartment?
MR. ZONEN: I'll object. Lack of foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I knew she was -- I believe she was there on February 16th, because that was when that tape-recording was made with her and the family and I believe with her then boyfriend. And I know that Brad told me that they were spending time there; that they had moved in there.
So I don't know that I can tell you back in February or March exactly which days they were there off the top of my head, but I know that I was aware of the fact that they were there.
Q. BY MR. MESEREAU: Now, in cross-examination, you stated words to the effect that you wanted a videotape of the movement of Janet Arvizo's 11450

1 possessions from the Soto Street address, right?
2 A. I specifically have a memory of telling
3 Brad, “If you’re going to do that, you better
4 videotape it, so that nobody’s later going to accuse
5 you of taking some of the possessions.”
6 Q. And was it your understanding in February
7 and March of 2003 that, in fact, the move was
8 videotaped by Mr. Miller?
9 A. He told me that was -- something to the
10 effect that that was a good idea. And I assumed he
11 did it.
12 Q. Okay. Now, in February and March of 2003,
13 were you aware of any effort by Mr. Miller to hide
14 from anybody where those possessions were stored?
15 A. On the contrary. I think he wanted to turn
16 it over and get off the hook for paying for them.
17 Q. And to your knowledge, in February, March of
18 2003, was the storage locker in the name of “Brad
19 Miller, Licensed Private Investigator”?
20 A. I believe that it was.
21 Q. Did you know, in February and March of 2003,
22 whether anyone else’s possessions, separate and
23 apart from Janet Arvizo, were in that locker?
24 A. No, not back in February, March of 2003.
25 Q. Okay. Now, the prosecutor asked you
26 questions about whether or not a private citizen has
27 a right to record a telephone conversation if they
28 think a crime is going to be committed, right? 11451

A. That's correct.
Q. And in February and March of 2003, what was your knowledge about the right of a private citizen to record a conversation if they think a crime is going to be committed?
A. My knowledge of the Penal Code has always been that there is a code section in the Penal Code that allows a private citizen to do that if there are certain enumerated crimes that you expect to occur, and that you're gathering evidence.
Q. And one of those crimes is extortion, correct?
A. That's correct.
Q. If a private citizen reasonably believes someone might be attempting to commit extortion, they can, in fact, lawfully record a phone conversation without the other party's consent, right?
A. That's my understanding of the law. And I believe that there's an addition to the code section that there is a specific case, although I don't have access to Lexis right now - I do use Lexis, not West Law - and I would assume that I could find that case that also has interpreted that code section the same way.
Q. Now, you indicated that when you first were retained by Mr. Jackson, you did a quick search and learned about the J.C. Penney case filed by Janet 11452

Arvizo and her children, correct?
A. Correct.
Q. Did you know at that point in time that
Janet Arvizo was arrested that day?
MR. ZONEN: Objection; beyond the scope.
THE COURT: Overruled.
You may answer.
THE WITNESS: I believe if it wasn't that
day, it was very shortly thereafter.
Q. BY MR. MESEREAU: During February and March
of 2003, Mr. Geragos, did you think or reasonably
suspect that the Arvizos might attempt to extort
Michael Jackson?
A. That was exactly what my concern was.
Q. Did your knowledge of the J.C. Penney case
cause you concern in that regard?
A. Combined with the fact that there had been
an arrest, I thought that the fact that the civil
lawsuit was being used to blunt the criminal case is
what gave me great pause.
Q. What do you mean by that?
A. The civil case appeared, at least, to be an
outgrowth of a criminal incident, and I just had
grave concerns about that.
Q. Are you suggesting that Miss Arvizo used a
civil case to nullify her arrest?
A. That thought had crossed my mind.
Q. Have you seen that happen before? 11453

A. Yes.
Q. Did you ever, in February and March of 2003, represent Marc Schaffel?
A. Not that I'm aware of. I don't think I ever represented Marc Schaffel.
Q. In February and March of 2003, did you represent Dieter Weizner?
A. No.
Q. In February and March --
A. No.
Q. In February and March of 2003, did you represent Ron Konitzer?
A. No.
Q. In February and March of 2003, did you represent Frank Tyson?
A. No.
Q. In February and March of 2003, did you represent Vinnie Amen?
A. No.
Q. Now, in February and March of 2003, Mr. Geragos, did you ever give legal advice to Marc Schaffel?
A. No.
Q. In February and March of 2003, did you ever give legal advice to Dieter Weizner?
A. No.
Q. In February and March of 2003, did you ever give legal advice to Ron Konitzer? 11454

A. To the extent that they would ask questions and I would -- Ronald would ask questions about specific things and whether they should do things, and I would say I want it run by me if it was -- for instance, they're going to make a statement, or they're going to issue some kind of a press release or something, I would say, "Please let me have some input into that."

Q. Now, in February and March of 2003, did you ever give legal advice to Frank Tyson?

A. No.

Q. In February and March of 2003, did you ever give legal advice to Vinnie Amen?

A. No.

Q. Now, is the statute you're referring to that allows a private citizen in California to secretly record a conversation if they think there's a reasonable belief that extortion might happen, is that Penal Code 633.5?

A. I believe that it is, because I think the section that prohibits it is 632. So it would be my guess, at least, that it's the 630 section or 633.

Q. And prior to February and March 2003, were you aware of instances where, in fact, private citizens have secretly recorded others who they thought were going to try to commit a crime?

A. Yes. In numerous instances. 11455

Q. And in fact, private investigators sometimes do that if they think they're going to get evidence of a crime, correct?
A. That's as a private citizen. A private investigator has no more and no less rights than a private citizen. So I am aware of various private investigators doing that, only with the caveat that they have that expectation that a crime is going to be committed.
Q. Now, was there anything else about Janet Arvizo that made you suspicious that she might try to shake down Mr. Jackson other than what you've described?
A. Not other than what I've described to you and to Mr. Zonen.
Q. In February and March of 2003, did you have any personal knowledge that Janet Arvizo had told anyone that her husband came from a family of drug dealers?
A. No, not -- not that I remember.
Q. In February and March of 2003, did you have any knowledge of Janet Arvizo claiming that her husband was using all of their money on a drug habit?
A. No, I don't believe so.
Q. In February and March of 2003, were you aware of any bank accounts Janet Arvizo had set up allegedly for the benefit of her son? 11456

MR. ZONEN: I'm going to object unless counsel has a good-faith offer of proof that the answer is "yes." Because otherwise it's simply inadmissible questions.
THE COURT: Overruled.
You may answer.
THE WITNESS: I may answer?
THE COURT: Yeah.
THE WITNESS: I -- I believe that I had received information, but I don't think that I was able to verify it in February or March. I had just, what I would call, suggestions that was the case. But I did not have anything to substantiate it.
Q. BY MR. MESEREAU: Now, in February and March of 2003, Mr. Geragos, did you have any personal knowledge of Janet Arvizo trying to get money from various celebrities?
A. I -- not from celebrities. I had knowledge of her trying to get money from other people, but not from various celebrities.
Q. When you retained Brad Miller in February of 2003, was that your first effort to have an investigator investigate the Arvizos?
A. Do you mean had I used any other investigator prior to Brad?
Q. Yes.
A. No, I had not. I don't believe I have used any other investigator in February. 11457

Q. Okay. So Brad Miller was the first licensed investigator you ever retained to investigate the activities of the Arvizos?
A. Yes.
Q. Now, you said that the period of surveillance and investigation by Mr. Miller was approximately 35 days; is that right?
A. Give or take. It was -- it started in February and it ended sometime in March.
Q. And to your knowledge, was Mr. Miller doing an investigation into public records involving Ms. Arvizo other than the J.C. Penney case?
A. Yes.
Q. What other public records do you believe he was examining as part of his investigation into the Arvizos in February and March of 2003?
MR. ZONEN: Objection. Irrelevant; exceeds the scope of the cross.
MR. MESEREAU: I don't think it does, Your Honor.
THE COURT: The objection is overruled.
You may answer.
THE WITNESS: I believe that he had checked -- I mentioned before that he had checked what are called the civil indexes, which are a list of cases that people file in civil court. I believe he also checked the criminal indexes, and I believe he came up with various cases that she was listed as 11458

either a complaining witness or involved in one way or another or as a witness.
Q. BY MR. MESEREAU: And did the information you were aware of in February and March of 2003 about the Arvizos and their record of civil litigation and noncivil litigation concern you?
A. Yes.
Q. Did you believe that what you knew about the Arvizos in February of 2003 almost required you to put them under surveillance?
MR. ZONEN: I'll object as speculative and argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: In your experience, prior to February of 2003, when a lawyer like yourself is concerned about a client being extorted or shaken down, typically what does the lawyer do?
A. I know what I do in that situation, is I want to find out everything I can about the person who I've got concerns about. And if I think that I can -- that I'm going to get somewhere with having somebody check them out, I'll have an investigator check them out. And I believe that any lawyer who gets hired by a client has an ethical obligation to do that.
Q. And in February and March of 2003, was it your understanding that putting someone under surveillance by a licensed private investigator was 11459

1 lawful?
2 A. To my understanding.
3 MR. ZONEN: Objection; asked and answered.
4 THE COURT: The answer is in. The objection
5 is overruled.
6 Q. BY MR. MESEREAU: In February and March of
7 2003, when you put the Arvizo family under
8 surveillance through a licensed private
9 investigator, was this the first time you had done
10 such a thing?
11 A. That I had had somebody investigated and --
12 MR. ZONEN: Objection; asked and answered.
13 THE COURT: Sustained.
14 Q. BY MR. MESEREAU: Now, Mr. Geragos, the
15 prosecutor asked you questions about what you did
16 with these passports when you located them, okay?
17 A. Yes.
18 Q. And what you did was, you had them lodged
19 with this particular court, correct?
20 A. I told one of the lawyers in my office to
21 take them to Judge Melville's court. I believe we
22 prepared some kind of notice of lodging, and we
23 notified the court of what we were doing, and it was
24 lodged, I believe, with the clerk of the court.
25 Q. And that would be Judge Melville's court?
26 A. Yes.
27 Q. Is there any reason why you preferred giving
28 those passports to Judge Melville rather than Janet 11460

Arvizo?
A. I believed that they were something that both -- either Mr. Sneddon or yourself would want for various reasons. I believed that based upon that, that they had evidentiary value. I believed that I had no business holding on to them myself, and I didn't want to put you in a position where you would have to be a witness and be conflicted out of the case.
So I made the decision, after consulting with numerous lawyers, that the best thing to do was to file them directly with the court, which I thought was my ethical -- also my ethical obligation.
Q. And when you did that, were the passports addressed to Judge Melville?
A. I believe -- I assume that the document is here. I believe a document was prepared by my office in connection with the lodging when it was filed. Either a notice of lodging or a notice of filing. I believe I saw something to that effect.
Q. Now, you knew when you lodged those passports with Judge Melville's court that Janet Arvizo wanted them, right?
A. Well, I would assume that those were things that would go to Janet Arvizo, Gavin, Star, and the daughter, yes.
Q. And my question is, were you concerned about 11461

what Ms. Arvizo or her attorney, Mr. Dickerman, might do with those passports?
A. Well, I knew that it was -- that it was not going to be a great situation when I filed it with the court. I wasn't happy that I was in that situation. I gave consideration, or at least thought about the idea of turning them over to Mr. Dickerman, but thought that it made more sense to do it with the Court so that there was at least a record that -- in the chain of custody, so to speak, so you could document where they were and what had happened.
I wasn't comfortable with the fact of giving them back to Mr. Dickerman. I thought that the thing to do, and several other lawyers that I talked to, that the thing to do was to lodge them with the court.
Q. Now, you indicated on cross-examination that you did not trust Mr. Dickerman, correct?
A. That's correct.
Q. Why?
A. Because I would get --
MR. ZONEN: I'll object as irrelevant.
THE COURT: Sustained.
Q. BY MR. MESEREAU: At the time you lodged those passports with this court, did you know whether or not Janet Arvizo was represented by Attorney Larry Feldman? 11462

A. Yes, I did know that.
Q. Did you ever consider giving those passports to Attorney Larry Feldman?
MR. ZONEN: Objection; irrelevant.
THE COURT: Sustained.
MR. MESEREAU: I have no further questions.

RECROSS-EXAMINATION
BY MR. ZONEN:
Q. Did Mr. Miller tell you in advance that he was going to go ahead and pay a couple months' rent of Ms. Arvizo's?
A. I don't know. I can't tell you. I know that he paid the rent. I don't know if he told me after he did it or before.
Q. Would Mr. Miller be willing to pay my next month's mortgage?
A. I don't know. How big is your house?
Q. I live in Santa Barbara. It's small.
A. But I'm sure expensive.
Q. Mr. Geragos, did he talk with you at all in advance about the propriety of Michael Jackson's employees paying Miss Arvizo's rent?
A. Did who?
Q. Did Brad Miller speak with you in advance of paying that month's rent or two months' rent?
A. Mr. Zonen, my experience with Mr. Jackson is that this is a man with great -- 11463

Q. The question is, did Mr. Brad Miller speak
with you in advance?
A. You asked me about the propriety of Mr.
Jackson's employees.
Q. No, the question --
A. I was trying to answer that.
Q. -- is, did Mr. Brad Miller speak with you in
advance of doing that?
A. The answer is the same one I gave you when
you asked me the first time, which was I don't
remember as I sit here if he told me before or
after, but I know at some point I knew.
Q. When did you first learn about it?
A. I don't know. Sometime in February or
March.
Q. What was Mr. Miller's explanation to you as
to why he felt it was a good thing to do?
A. I don't know that I quizzed him on it.
Q. Now, you said that you wanted that videotape
to be done in advance of the move-out of the
apartment; is that right?
A. I wanted -- if he was going to move, I
wanted him to videotape the move. I didn't feel
comfortable having him handle her possessions
because I thought she would come back later and make
some accusation that something was taken out of
there, or that she had some -- who knows? That
there was going to be five refrigerators and a 11464

$10,000 stove.
Q. So you knew about this in advance of them moving her out of the apartment?
A. I knew that he was going to move her, because as I said before, I told him, “If you’re going to do that, you better videotape it.”
Q. And that means, yes, you knew in advance of them moving her out of the apartment, that she was going to do -- that they were going to do so in advance; is that right?
A. I knew that he was going to help her move, and I told him to videotape it.
Q. All right. And you knew that they had not yet commenced the move?
A. Well, I would assume that. Yes, I would assume that.
Q. So you still had the opportunity to tell Brad Miller, “What? Are you nuts? Don’t do anything for Janet Arvizo”?
MR. MESEREAU: Objection; argumentative.
THE COURT: Sustained.
MR. ZONEN: I’ll leave out the “Are you nuts?”
THE COURT: The objection is sustained.
Q. BY MR. ZONEN: Did you tell Brad Miller, “Don’t do it. Don’t move her stuff. Don’t have anything to do with her”?
A. No.

Q. Did you tell him that you believed that she was ready to engage in a shakedown of Michael Jackson and you ought not be conducting any business with her or association with her?
A. No. On the contrary. I wanted to know what she was up to.
Q. Did Brad Miller tell you, up to that point, that she had ever said that she wanted money from Michael Jackson?
A. Yes.
Q. For what?
A. She felt that she deserved money. She wanted -- you know, he was wealthy and she wanted money.
Q. How much?
A. I didn't how much she wanted. I wasn't going to -- I wasn't going to recommend that my client pay the money.
Q. When did that conversation take place?
A. It would have been sometime shortly after we discovered that she had filed suit against J.C. Penney.
Q. Then why did you tell him to go ahead and proceed and move her stuff out of the apartment?
A. I did not want him to lose track of her. I didn't want her to go into the ether, because I was afraid that she would do exactly what she ended up doing in this case, which is get into the hands of a 11466

1 lawyer who would refer her to a psychiatrist, and
2 all of a sudden we'd get a false accusation.
3 Q. Now, you've looked at that videotape,
4 haven't you, the videotape of the move?
5 A. I know it exists. I don't know that I --
6 no, I don't think I've sat down and documented the
7 videotape.
8 Q. Mr. Geragos, would you be surprised to learn
9 that that videotape does not show the items being
10 removed from the house?
11 MR. MESEREAU: Objection; misstates the
12 evidence.
13 THE COURT: Overruled.
14 THE WITNESS: I would be surprised that he
15 took a videotape of not moving after I told him to
16 take a videotape of moving the items or documenting
17 what the items were.
18 Q. BY MR. ZONEN: Did he ever tell you what the
19 videotape was of?
20 A. Yes, the items that were placed into
21 storage.
22 Q. All right. Did he tell you that, in fact,
23 that videotape was of them cleaning an empty
24 apartment; that that's what it was of?
25 A. I think that he -- I don't know that it was
26 cleaning. I think he wanted to show what the
27 condition of the apartment was after the move.
28 Q. Did you ask -- so there's another videotape? 11467

A. I think it's all one -- one videotape. The videotape is of documenting of the items is what I was told, and what the place looked like after the items were out.
Q. Do you believe that there exists today a videotape of them documenting the items from Janet Arvizo's apartment?
A. I believe that the video -- that there is a videotape and that the videotape is of the items.
Q. Did they do a written inventory of the items that they moved from her apartment?
A. I don't know if they did or if the moving place did. I couldn't tell you.
Q. Did you ask them to get on videotape Janet Arvizo specifically making that request to have her things moved from that apartment?
A. No, I don't think I told him that.
Q. You now believe that Brad Miller is a liar, don't you?
MR. MESEREAU: Objection. Argumentative; no foundation.
THE COURT: Sustained.
Q. BY MR. ZONEN: Did you ever ask Brad Miller why he arranged to have the DCFS interview tape-recorded?
MR. MESEREAU: Objection. Misstates the evidence; foundation; personal knowledge; and beyond the scope; vague as to time. 11468

THE COURT: I'm thinking. There's a lot of material.
The objection's overruled.
THE WITNESS: I don't believe he was the one who did it. I think that Asaf did it, if I'm not mistaken. I don't think Mr. Miller was there at the DCFS.
Q. BY MR. ZONEN: Did you ever ask Brad Miller if he was aware of the fact that Asaf was going to do it?
MR. MESEREAU: Objection; vague as to time.
MR. ZONEN: At the time it was done.
MR. MESEREAU: Beyond the scope; relevance.
THE COURT: Sustained. It really is beyond the scope.
Q. BY MR. ZONEN: Did you ever direct Brad Miller to have Janet Arvizo sign a letter that said she wanted her things moved out of that apartment?
MR. MESEREAU: Objection. Beyond the scope; relevance; foundation.
MR. ZONEN: I'm sorry?
THE COURT: The objection is overruled.
Do you want the question read back?
THE WITNESS: No, I remember it.
I don't know. I don't know if I did or not.
Q. BY MR. ZONEN: You knew during February and March of 2003 that Janet Arvizo had a prior lawsuit, true? 11469

A. I knew that she had filed a lawsuit, yes.
Q. You knew during February and March of 2003 that she had been arrested?
A. I knew that there was a criminal index with some hits involving her.
Q. You were very concerned about her involvement with Michael Jackson, true?
A. I had concerns, yes.
Q. You contacted Michael Jackson's employees, the ones that were closest to him, and told them of your concerns about Janet Arvizo; is that true?
MR. MESEREAU: Objection. Beyond the scope; foundation; vague as to time.
THE COURT: Overruled.
You may answer.
Q. BY MR. ZONEN: Is that true?
A. No, that isn't true the way you phrased it.
Q. Did you contact Marc Schaffel and express to him your concern about Janet Arvizo?
A. Actually, I was concerned about Schaffel.
Q. Did you contact Ronald Konitzer and tell him your concerns about Janet Arvizo?
A. I probably would have told Ronald about my concerns on one of the -- on one of our phone calls, yes.
Q. During any of those phone calls, did he then tell you that they're sending Janet Arvizo to Brazil? 11470

MR. MESEREAU: Objection. Beyond the scope; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I don't believe he told me that, no.
Q. BY MR. ZONEN: Did you ask Ronald Konitzer to tell you if Gavin Arvizo moved back into Michael Jackson's bedroom?
A. No, I did not tell him to tell me that.
Q. Did you have a conversation with Michael Jackson about the Brazil trip?
A. No.
MR. ZONEN: I have no further questions.
MR. MESEREAU: No further questions.
THE COURT: You may step down.
Oh. I think there was an issue you wanted me to take up.
MR. ZONEN: I'm sorry?
THE COURT: Mr. Zonen, you want the witness to remain?
MR. ZONEN: If he could, yes.
THE COURT: (To the jury) I'll excuse you for today. And we'll see you Monday at 8:30.

(The following proceedings were held in open court outside the presence and hearing of the jury:) 11471

THE WITNESS: Do you want me to remain here?
THE COURT: Yes.
MR. ZONEN: Your Honor, I know the Court's preference is to have these matters done in writing in advance, but we're approaching the end of this trial rapidly. I believe the defense has indicated they might be resting as early as next Tuesday. Given the waiver of both work product and attorney-client privilege, as to Mr. Geragos's file and the comments as to representation of the defendant and the testimony today, we would make a demand at this time orally, if the Court will entertain that, for the production of all e-mails between Brad Miller and Mr. Geragos, as well as any notes in his file for that period of time dealing with communications between this witness, Mr. Geragos, and Mr. Jackson, Mr. Konitzer, Mr. Weizner, Mr. Amen and Mr. Schaffel and Mr. Cascio, as well as the computer files that have been previously the subject of litigation from Brad Miller's office that were previously determined to be inaccessible because of the existence of that privilege. We believe now that those files should be turned over to us, at least for that period of time, subject to this waiver.
THE COURT: And I think the -- now that you have the waiver, all that work we did on those 11472

1 computer hard drives, based on the privilege which
2 he subsequently waived, should be turned over.
3 MR. SANGER: The -- let me use the mike for
4 just a second.
5 I just want the Court's ruling to -- I want
6 to clarify the Court's ruling. On Mr. Miller's hard
7 drive, there were communications with Mr. Geragos --
8 THE COURT: On another case, other cases.
9 No, I'm not ordering you to turn that over. Just on
10 this case.
11 MR. SANGER: Okay. And you are asking that
12 we turn it over?
13 THE COURT: Yes.
14 MR. SANGER: Okay.
15 THE COURT: Turn it over, say, by 5 p.m.
16 tomorrow, Saturday.
17 MR. SANGER: Yeah, for the -- for the period
18 of time of the waiver. I don't think there are any
19 outside of the period.
20 THE COURT: For the period of the waiver,
21 right.
22 MR. ZONEN: If we could have that by 5 p.m.
23 tomorrow.
24 THE COURT: Yes, that's the order.
25 I don't think -- I think that takes care of
26 it. I don't think I order --
27 MR. ZONEN: Does that include the e-mail
28 communications as well? 11473

THE COURT: The e-mails, that's primarily what was on that material.
I'm not going to limit it to the e-mails, but obviously on a hard drive between -- that was primarily what was there was e-mails. And I don't know what other material was there. But any other material that you held back because of the privilege between Mr. Geragos, Brad Miller and Mr. Jackson, you should release.
MR. SANGER: Yes, sir. I think there was a Word Perfect document, not to get back into that.
THE COURT: Yeah.
MR. ZONEN: I wonder how we'll ever access it. No, we'll figure it out.
THE COURT: I'm not going to order Mr. Geragos to do that.
THE WITNESS: Could I interject that my only concern is that there's -- if there is any e-mail that contains any information related to this case and if it's related to any other case --
THE COURT: Well, we know that.
THE WITNESS: Okay.
THE COURT: We are very familiar. You know, you don't know this, but we've had -- well, maybe you do, but we had a couple -- we had an expert go through the computer hard drives with some software that doesn't disturb anything in the drive. It's really unique. And then we had a special master 11474

review all of the files and segregate out privileged documents. And then we had Mr. Jackson's team review that before what remained was turned over. So there's -- every effort to protect your clients has been followed.

MR. SANGER: Your Honor, I think what he's referring to -- I'll just remain seated here and talk into this if that's all right.

I think what he's referring to are there are some e-mails that refer to more than one case, so we would redact the part that refers to other cases.

THE COURT: Exactly.

MR. SANGER: Yes.

THE COURT: Okay. Then to the extent that that's what you're asking, I grant that. And we have that straight. To the extent that you're asking me to order Mr. Geragos to turn over something, I'm not going to do that.

MR. ZONEN: As long the representation is that they're in possession of what Mr. Geragos has, then I'm happy with it coming from the defense.

THE COURT: Well, I'm not -- what we know that they have is what you seized under search warrants of --

MR. ZONEN: That's fine. That's fine.

THE COURT: All right. Then you may step down.

THE WITNESS: Thank you. May I be excused? 11475

MR. ZONEN: Then, like the other witnesses,
this witness is not excused?
THE COURT: You're not excused. You'll
remain on call until the case is complete.
THE WITNESS: Thank you, Your Honor.
THE COURT: All right. The next issue you
wanted to take up was the -- which witness was it?
MR. SANGER: Mr. Amen. I didn't know if you
were looking at us, but the Vinnie Amen --
THE COURT: Yes.
MR. SANGER: -- issue.
THE COURT: Here's my thoughts on this one:
It appears that the -- Mr. Amen did get a use
immunity to talk to the District Attorney as it
relates to just what happens in their office. They
couldn't use that to prosecute him, or any of the
fruit of that interview could not be used to
prosecute him if they later decided to prosecute
him.
It's not an immunity that extends to
anything that he says in the courtroom, and it's not
an immunity that protects him except for what he
said to them in their office.
Absent an application by the District
Attorney to the Court to grant him immunity, I am
without power to grant him immunity on my own.
Under the code, it's a procedure that the District
Attorney has the sole right to institute. If he 11476

institutes it, then I have some discretion. But
absent that, I can't institute it, so he is not
protected.
I'll reiterate, he is not protected if
called for anything he says here. So if -- if you
call him and he claims the privilege, then he would
not be compelled to answer questions under the Fifth
Amendment. If you called him and asked him
questions, and he didn't claim the privilege, but
then the District Attorney called him -- or
cross-examined him, excuse me, and he claimed the
privilege, then we'd be somewhat back in the
position we were with some of the other witnesses.
And so somewhere I would have to -- that
leaves us with the remedies we had before. You
know, either strike his testimony or make him claim
the privilege in front of the jury, or, you know,
there's -- all the same things. Now we've had three
or four witnesses that present this issue from, it
seems like, a different angle every time.
MR. SANGER: I think there's a little
different angle here and I'd like to discuss that.
THE COURT: I'm sure there is a little
different angle, and I'll let you speak to that.
Just let me make sure I've finished saying what I
was going to say.
Anyway, so the bottom line, I guess, is, we
would have to have some indication from him before I 11477

let him testify in front of the jury as to what his position on his testimony was going to be.
Now, what do you want to say about that special angle?
MR. SANGER: Well, I think this is a little bit of a different angle, and therefore I'd -- I don't know if that was the Court's ruling or a tentative.
THE COURT: No, no, I said that's where I'm going, you know.
MR. SANGER: All right. Fine.
THE COURT: You're not prevented from trying to show -- persuade me otherwise.
MR. SANGER: I think the different angle is this, Your Honor: That basically the California Supreme Court has left the door open, because we like that reference, to the possibility that there might be a case in which immunity could be granted by the Court where the prosecution has not stepped forward and requested it.
And I know that the weight of the authority, or the number of cases that are floating around in various jurisdictions and a couple of DCA cases, tend to indicate that there is no such thing as defense immunity. But -- or defense-requested immunity for a witness. But the reason I think this might be the case that the Supreme Court had in mind or would have left the door open for is that here we 11478

have an actual grant of immunity.
Now, you recall that Mr. Auchincloss represented to this Court that absolutely nothing ever happened, and that whatever happened happened before the tape was turned on, and the officer got it wrong, and the officer didn't understand things. And lo and behold, we got the tape, and he very clearly says, "That's the agreement." And his words include, "In California, we call it use immunity. So nothing you say in this interview can be used against you, and we can't use the fruits," et cetera, et cetera.
Now, I understand the Court's distinction, that that doesn't say that, "When you testify or if you testify, we will ask the Court for immunity at that time." That is generally what happens. A witness gives a statement to the prosecution under immunity. They like it; they come in and they ask for immunity, put the person on the stand and get the benefit of it.
What happened in this case invokes this small exception that I think the Supreme Court would acknowledge is appropriate. What happened in this case is you have a witness who's debriefed for -- I believe it's like four hours, maybe over four hours, on tape. He is asked every imaginable question about this case. He is the witness who was with Janet Arvizo more than anybody else, according to 11479

the testimony we have here.
And he answers the questions about what happened. “What happened when you went to get the passports? What happened? Did she want to go Brazil?” All those questions are answered and they are answered in a way that is consistent with the defense position and inconsistent with Janet Arvizo’s position.
MR. AUCHINCLOSS: Your Honor, I’m going to object to the description of the facts. That’s a matter that is of some contention between the parties.
THE COURT: I understand. But I don’t know what -- I haven’t heard the tape, so I can’t rule on your objection.
Go ahead.
MR. SANGER: And the point is, and the Court has -- I don’t know if the Court wants to spend four hours listening to it. The Court has the tape.
THE COURT: Oh, thank you.
MR. SANGER: I evidently have something to do before Saturday at five o’clock myself, so I thought the Court should as well.
The point of the story is that you have a key witness in a case, who not only -- let us assume -- so I don’t get in an argument with Mr. Auchincloss, let us assume that his version of events is consistent -- it’s Brady material, in 11480

essence. It's consistent with the weight of the witnesses who have testified, with the exception of Janet Arvizo and her children. And primarily Janet Arvizo, who testifies to all sorts of things that are not consistent with anybody else.

They take that witness and they say, "Well, it was Brady material. We got to turn it over to you, but ha-ha, we are now going to revoke our agreement to grant immunity. We're not going to give this person immunity."

MR. AUCHINCLOSS: Object to this characterization. May I make an objection?

THE COURT: What?

MR. AUCHINCLOSS: Just that that characterization is completely inaccurate. We are not revoking the informal immunity for this witness for that day's interview.

THE COURT: I understand that. That's correct.

MR. SANGER: So they say, "Okay. We are not going to take the next step and call you as a witness in court and give you immunity. We now know that your testimony is exculpatory, so we are going to make it impossible for the defense to present exculpatory evidence to the jury."

Now, this is different than the cases that are cited. Because most of the cases that are cited are cases in which, for instance, the defense is 11481

trying to call a witness who has not been interviewed by the prosecution, or it's a witness who is a witness on a collateral matter. It's not a witness who has been given immunity to talk to the prosecution first.
That's why this is different. He was talked to. He was debriefed for four hours. And he gives exculpatory evidence. And now they say, "You can't use it."
It was the prosecution who decided to call Mr. Amen an unindicted co-conspirator. It's the prosecution that decided to present him as a criminal wrongdoer, unindicted though he may be, in the eyes of the jury. It's the prosecution that interviewed him. It's the prosecution that chose to give him immunity. And then it's the prosecution that says, "King's X, we're not going to let the jury find out what he really has to say."
THE COURT: Let me ask you a question. I don't know what the tape says, and I understand just from listening to the two of you that there's, surprisingly, a disagreement over the content.
But let me assume for a moment that you're correct, that he tells the series of events exactly what happened from his standpoint, and it in fact supports your position that no crime's been committed in the conspiracy, which is the crime we're talking about on all of the elements, all of 11482

the various variations. And that the reason the District Attorney doesn't want to call him is because, in fact, he doesn't verify the criminal activities of your client or anyone else.
So why would that person just not take the witness stand, testify, and not claim the Fifth Amendment since he's not admitting to any crime? He's only telling the truth and, in fact, verifying, as you point out, what everybody else except Janet Arvizo says.
MR. SANGER: We would very much like him to do that. I think that in the real world -- as the Court knows, in the real world, a lawyer is going to advise him, and the lawyer has advised him. Everybody's dealing with his lawyer here. The lawyer's advised him that he cannot testify. He is being accused of being an unindicted co-conspirator in a very serious case.
THE COURT: But they can't prosecute him for anything they learned. And if he says the same thing here, they can't prosecute him, can they? Because they have given him use immunity.
MR. SANGER: Well, if the Court takes that position, I think he would come and testify.
THE COURT: If --
MR. SANGER: But I think --
THE COURT: If he says -- your position would be if he says the same thing that he told 11483

them, that they gave him use immunity for, only he says it in a different room, the use immunity fails. Is that what your position is?
MR. SANGER: No. Quite to the contrary. My position is they've given him immunity, and he should be allowed to testify.
THE COURT: No, no, no.
MR. SANGER: I understand what Your Honor said. They just got through saying -- Mr. Auchincloss just got through saying it was only for the conversation in the room.
THE COURT: Okay. Let me talk to him, then. If he testifies and says the same thing that he told you, let's say he doesn't deviate from what he told you under the use immunity --
MR. AUCHINCLOSS: In this courtroom?
THE COURT: If he says it in this courtroom, you could prosecute him?
MR. AUCHINCLOSS: Yes. And here's the reason: The use immunity statute provides the prosecution with discretion as to when and where and how it's going to ask for immunity. In virtually every criminal case, the process -- and, you know, virtually every, most criminal cases, the process involves a proffer, involves coming into the office, talking to that witness, assessing the credibility, checking the facts against what they say, having the District Attorney determine whether this witness is 11484

going to be accurate, is going to be telling the truth, is going to be a fit witness in the case to present the facts to the jury.
And when the District Attorney makes that determination, then it's appropriate for the District Attorney to come into court and petition the Court for immunity, testimonial immunity, which is a completely different creature. Both sides going at it, objections. It's just a different thing than an informal interview. And a proffer is made to the District Attorney as far as what he's going to be saying or what he might have to say about the facts of that case.
And we provided authority that immunity agreements can be fashioned in a variety of ways, and limitations can be presented, provided for, in those immunity agreements. And it's clear, even from the tape, and while I did tell you there was another discussion that occurred prior to us going onto the tape, but even that little brief colloquy that refers to the discussion that we obviously had just had talks about "today," "what's said here today," specifically.
So, no, the immunity does not extend to trial immunity, immunity in the court, testimonial immunity and a formal grant of immunity.
THE COURT: What about the --
MR. AUCHINCLOSS: Just a moment. I'm sorry. 11485

(Off-the-record discussion held at counsel table.)
MR. AUCHINCLOSS: Well, Mr. Sneddon wanted me to just make sure that I told -- that I communicated to you that we believe that if Mr. Amen takes the stand and incriminates himself, he will not be protected. That the immunity -- he does not have immunity from what he says on the stand in this case.
THE COURT: I understood that.
MR. AUCHINCLOSS: I thought you did. Thank you.
Is there another question you had?
THE COURT: Yes. Counsel suggested that the Supreme Court has hinted that there's a unique case where the Court could grant immunity without you asking me for it. What do you think of that?
MR. AUCHINCLOSS: I think that this Court in this case should not go where any court has gone before.
THE COURT: Where any court has not gone before.
MR. AUCHINCLOSS: Yeah.
THE COURT: I've been doing that for --
MR. AUCHINCLOSS: Don't go where any court has gone before.
THE COURT: I thought that's what I've been doing here for the last few months. 11486

MR. AUCHINCLOSS: That may be. That may be. I don't think this is the case where the Court should attempt to make new law.
THE COURT: Do you believe that's possible, though, that they --
MR. AUCHINCLOSS: No, I don't. It's dicta, and the overwhelming weight of authority is that this is a statutory discretion that the prosecutor has.
THE COURT: All right. Well, I am not going to strike out on that trail. So....
MR. SANGER: Then I have another question in that regard.
THE COURT: Okay.
MR. SANGER: The Court may sense I have a deep belief that this anomaly in the law or what's unresolved in the law results in a true injustice in a criminal case. That bothers me.
THE COURT: Yeah.
MR. SANGER: It would seem to me that another remedy the Court could fashion, the Court having turned down our request that this be clarified, that this man has immunity if he comes in and testifies to the same things he testified or he talked about in the D.A.'s Office, if the Court's turned that down, then --
THE COURT: I turn that down.
MR. SANGER: -- I would suggest that he is 11487

now unavailable as a witness. He has been made unavailable by the acts of the District Attorney, and that we should be allowed to -- assuming he comes in here and says he's taking the Fifth, that makes him unavailable. Not in front of the jury necessarily, but that we then be allowed to play his tape as the statement of a witness who's unavailable. It is a tape that was not created in an adversary situation, but it is a tape that was created based on the questioning of one of the prosecutors seated at this very table and two police officers, a lieutenant and a sergeant. And they had adequate opportunity to confront and cross-examine him and they conducted an extensive interview. There is no harm to the prosecution in allowing that. He's unavailable. I think we should be allowed to do it.

MR. AUCHINCLOSS: I can address that if you need to hear from me.

THE COURT: Yes.

MR. AUCHINCLOSS: Well, that doesn't satisfy the former testimony exception to the hearsay rule. It's not former testimony. And there is no exception. Moreover, this particular type of testimony, I don't want to probably even have to go there, but Crawford deals with the issue of a police interview coming in as testimony. So --

THE COURT: It does when the District 11488

Attorney introduces it, but does Crawford --
Crawford's about the right of the defendant to have
cross-examination, not the People.
MR. AUCHINCLOSS: I agree. I agree. But
really the main point is, I mean, I think that an
argument could be made that Crawford has
applicability. We don't even need to get there.
The point is, this is not -- there is no exception
to the hearsay rule.
THE COURT: This is not prior --
MR. AUCHINCLOSS: It's not former testimony
under cross-examination from both sides.
Thank you.
MR. SANGER: And the Court is correct,
Crawford is a confrontation clause case, which is a
defendant's right. Has nothing to do with this.
THE COURT: Well, it does have something to
do with it if he -- if the District Attorney
attempted to --
MR. SANGER: Yeah.
THE COURT: -- introduce his -- instead of
you being the person who suggested that, they had
suggested it, Crawford would apply. Because if you
had called him and he answered some questions, and
then they asked him some questions and he claims the
Fifth, and then they said, "Well, Judge, we've got
this statement," then you would be screaming
Crawford, right? 11489

MR. SANGER: Well, confrontation clause, which is the defendant's right, but not a People's right.
THE COURT: Yeah, it's --
MR. SANGER: But I would suggest, though, since we're musing as the day goes on here --
THE COURT: Yeah, we're wasting --
MR. SANGER: And it was my day. But that's all right. This is important.
THE COURT: You're right, this was your day.
MR. AUCHINCLOSS: It was all of our day.
MR. SANGER: I think it is important. The true hypothetical would be that the defendant makes a long, detailed statement, and then deliberately makes the person unavailable.
THE COURT: Or even doesn't deliberately. Just -- they become unavailable.
MR. SANGER: Well, I think --
THE COURT: You want to say they're deliberately making him --
MR. SANGER: They're deliberately making him unavailable.
THE COURT: Go ahead. I see the scenario.
MR. SANGER: Without going into all the details, but, I mean, he explained what was happening at Schaffel's house, who he was working for, he was working for Schaffel, why he rented a car, what he was told to do. 11490

THE COURT: I know.
MR. SANGER: Everything is there. It's everything the jury wants to know about this case that they haven't heard, and fills in all the spaces between the other legitimate witnesses in this case.
THE COURT: Yeah. But truthfully or not truthfully, we don't know the answer to that.
All right. That's my ruling on that issue.
It is a -- it's really a pleasure for a judge to be dealing with both sides who are dealing with very difficult issues and sometimes not resolved. In this case, we've had several situations where we're just dealing with things that there's no law on, and it's a pleasure to see the quality of work that you turn out. It really helps me.
Thank you. See you Monday.
(The proceedings adjourned at 12:55 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11324 through 11491 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 20, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 20, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304